

May 15, 2012  
City Commission Room, 700 N. Jefferson, Junction City KS 66441

Mayor Pat Landes  
Vice Mayor Jack Taylor  
Commissioner Cecil Aska  
Commissioner Scott Johnson  
Commissioner Jim Sands  
City Manager Gerry Vernon  
City Attorney Catherine Logan  
City Clerk Tyler Ficken

**1. 7:00 P.M. - CALL TO ORDER**

- a. Moment of silence
- b. Pledge of allegiance

**2. PUBLIC COMMENT:** The Commission requests that comments be limited to a maximum of five minutes for each person.

**3. CONSENT AGENDA:** All items listed are considered to be routine by the City Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- a. Consideration of Appropriation Ordinance A-10 2012 dated April 24th-May 7th 2012 in the amount of \$1,084,033.56
- b. Consideration of the May 1, 2012 City Commission Meeting Minutes & 4-30-2012 Special City Commission Meeting Minutes.
- c. The consideration and approval of the noise waiver, street and parking lot closure and barricades, use of electricity and the selling of food and beer for Jammin' in JC Blues and BBQ Festival from September 27 to September 30, 2012 in Heritage Park
- d. Consideration and Approval of Award of Bid for Sanitary Lift Stations Emergency Generator Connections
- e. Consideration and Award of Bid for (4) Replacement Garage Doors at Fire Station I.

**4. SPECIAL PRESENTATIONS:**

- a. Mayor Landes to present Recovery Month Proclamation to Pawnee Mental Health Services.
- b. Emergency Medical Services Week Proclamation presented by Mayor Landes.

- c. Introduction and Reading of a Official Proclamation Claiming National Public Works Week in the City of Junction City, May 20-26, 2012

**6. UNFINISHED BUSINESS:**

- a. Consideration of Ordinance S-3016 approving Dick Edwards Auto Plaza TIF Plan. City Attorney Logan presenting (Final Reading).
- b. Consideration of Ordinance G-1112 to renew a franchise agreement with Westar Energy for use of City right-of-ways. Finance Director Beatty presenting (Final Reading).

**5. NEW BUSINESS:**

- a. Consideration of approval of the Final Plat of the Chestington Addition, a replat of Blocks 4 & 5, Schnell's Addition, to the City of Junction City, Kansas, and the approval of the Development Agreement. Planning & Zoning Director Yearout presenting.
- b. Consideration of Ordinance S-3108 a request of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit to allow the establishment of a motor vehicle towing, storage, repair and related activities in an existing commercial building on property at 2405 North Jackson, Junction City, Kansas. Planning & Zoning Director Yearout presenting (First Reading).
- c. Consideration of request John York, agent, on behalf of Sally Jardine, owner, to rezone from "CSP" Special Commercial District to "RM" Multiple Family Residential District the property located at 701 Allen Drive, Junction City, Kansas.
- d. Consideration and Discussion of the Public Works Operations Assumption Budget Summaries. Greg McCaffery presenting.

**7. COMMISSIONER COMMENTS:**

**8. STAFF COMMENTS:**

**9. ADJOURNMENT:**

**Backup material for agenda item:**

- a. Consideration of Appropriation Ordinance A-10 2012 dated April 24th-May 7th 2012 in the amount of \$1,084,033.56

# **City of Junction City**

## **City Commission**

### **Agenda Memo**

May 15<sup>th</sup> 2012

**From:** Cynthia Sinkler, Water Billing and Accounts Payable Manager  
**To:** **City Commissioners**  
**Subject:** Consideration of Appropriation Ordinance A-10 2012 dated April 24<sup>th</sup>-  
May 7<sup>th</sup> 2012 in the amount of \$1,084,033.56

**Background:** Attached is listing of the Appropriations for —Apr 24-May 7 2012

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<b>Appropriations —Apr 24-May 7 2012</b>	<b><u>\$1,087,033.56</u></b>
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#### **Bills Due before next Commission Meeting**

<b>Visa Card</b>	<b><u>\$28,393.40</u></b>
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<b>Security Bank of Kansas</b>	<b><u>\$99,965.15</u></b>
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DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL	GENERAL FUND	FAMILY SUPPORT PAYMENT CENTER (MISSOUR	5/04/12	MACSS #41061331/ CV103-753	154.85
		INTERNAL REVENUE SERVICE	5/04/12	FEDERAL WITHHOLDING	26,036.92
			5/04/12	FEDERAL WITHHOLDING	56.94-
			5/04/12	SOCIAL SECURITY WITHHOLDIN	3,165.58
			5/04/12	SOCIAL SECURITY WITHHOLDIN	24.48-
			5/04/12	MEDICARE WITHHOLDING	3,184.98
			5/04/12	MEDICARE WITHHOLDING	8.45-
		ING LIFE INSURANCE & ANNUITY COMPANY	5/04/12	ING	3,085.27
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CRDOSS BLUE SHIELD	856.48
			5/04/12	BLUE CROSS BLUE SHIELD	750.96
			5/04/12	BLUE CROSS BLUE SHIELD	1,267.26
			5/04/12	BLUE CROSS BLUE SHIELD	2,944.55
		JUNCTION CITY FIREFIGHTERS AID ASSOCIA	5/04/12	FIREFIGHTERS AID ASSOCIATI	112.50
		SHEA, CARVER & BLANTON	5/04/12	SHEA, CARVER & BLANTON	107.91
		CREDIT MANAGEMENT SERVICES INC	5/04/12	GARNISHMENT	155.78
		KANSAS PAYMENT CENTER	5/04/12	GARNISHMENT	484.72
			5/04/12	KANSAS PAYMENT CENTER	851.24
		BERMAN & RABIN, P. A	5/04/12	091M125	294.85
		FIREMEN'S RELIEF ASSOCIATION	5/04/12	FIREMANS RELIEF	199.80
		GEARY COUNTY SHERIFF	5/01/12	BOOKING FEE APRIL 2012	1,191.00
		JUNCTION CITY FIRE FIGHTERS ASSOCIATIO	5/04/12	I.A.F.F. LOCAL 3309	966.00
		JUNCTION CITY POLICE	5/04/12	JCPOA	670.00
		KANSAS DEPT OF REVENUE	5/04/12	STATE WITHHOLDING	10,103.12
			5/04/12	STATE WITHHOLDING	20.89-
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	1,777.87
			5/04/12	KPERS #1	23.32-
			5/04/12	KP&F	11,697.54
			5/04/12	KPERS #2	1,181.85
		FLEXIBLE SPENDING ACCOUNT #41807030	5/04/12	FIRST STATE BANK	1,799.55
		PRE-PAID LEGAL SERVICES,	5/04/12	PREPAID LEGAL	297.90
		ROLLING MEADOWS GOLF COURSE	5/04/12	ROLLING MEADOWS GOLF COURS	37.50
		KANSAS STATE TREASURER	5/01/12	KANSAS STATE TREASURER	1,359.00
			5/01/12	KANSAS STATE TREASURER	130.00
			5/01/12	KANSAS STATE TREASURER	5,193.00
		LATHROP & GAGE LLP	5/07/12	EDWARDS AUTO PLAZA TIF	2,237.30
		UNITED WAY OF JUNCTION CITY-GEARY COUN	5/04/12	UNITED WAY	240.90
				TOTAL:	82,402.10
GENERAL FUND	GENERAL FUND	GEARY COUNTY PUBLIC WORKS	4/23/12	AADMIN-MAR 2012-PW/DIST/SA	11,062.94
				TOTAL:	11,062.94
INFORMATION SYSTEMS	GENERAL FUND	CENTURYLINK COMMUNICATION, INC.	5/04/12	INFORMATION SYSTEMS	19.83
		VERIZON WIRELESS	4/12/12	IS Director	51.61
			5/02/12	GVP CELL APRIL 2012	80.02
		CDW GOVERNMENT INC	4/25/12	E911 - Monitor	446.72
			4/26/12	Laser Printer - IS	486.09
			4/26/12	VMWare VSphere 5 STD	3,632.88
			4/26/12	VSphere 1 yr Support	1,134.36
		NEX-TECH	4/24/12	FaxFinder cable setup/inst	520.20
				TOTAL:	6,371.71
ADMINISTRATION	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	522.01
			5/04/12	MEDICARE WITHHOLDING	122.07
		ING LIFE INSURANCE & ANNUITY COMPANY	5/04/12	ING	334.62
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	393.95
		CENTURYLINK COMMUNICATION, INC.	5/04/12	ADMINISTRATION	198.78

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
			5/04/12	ADMINISTRATIVE SERVICES	19.83
		VERIZON WIRELESS	4/23/12	210-7021=CITY CLERK	51.61
			4/23/12	223-7779=CITY MANAGER	51.61
			4/23/12	210-5380-HR DIRECTOR	51.61
		STAPLES ADVANTAGE	4/26/12	LABEL TAPE GRN & WHT	77.49
			4/30/12	JCKT FILE EXP LGL MA	32.26
			4/30/12	MINIMUM ORDER CREDIT	5.00
			4/30/12	JCKT FILE EXP LGL MA 2IN	32.23
			4/30/12	MINIMUM ORDER CREDIT	5.00
			5/07/12	CREDIT FOR INVOICE 3172745	49.89
		SEMINOLE ENERGY SERVICES, LLC	4/25/12	700 N JEFF-GAS-MAR 2012	1,320.62
		AGENDAPAL CORPORATION	4/17/12	Agenda Pal	449.00
		MIZE & HOUSER COMPANY	5/03/12	AUDIT FIN STMTS YR END 12/	0.00
		CORYELL INSURORS, INC.	4/25/12	PUBLIC OFFIC BOND CTY COMM	125.00
		KEY OFFICE EQUIPMENT	5/07/12	INDEX, INSERT, LABELS	15.70
		KANSAS GAS SERVICE	5/03/12	133 W 7TH-APRIL 2012	30.13
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	40.62
		WESTAR ENERGY	5/07/12	617 N WASHINGTON	18.41
			5/07/12	700 N JEFFERSON	876.76
			5/07/12	MUNICIPAL BLDG-POLE LIGHT	15.47
			5/07/12	701 N JEFFERSON-EDC	137.76
			5/07/12	902 E CHESTNUT-SHH	332.24
			5/07/12	JC ANIMAL SHELTER	282.07
			5/07/12	135 W 7TH ST-OPERA HOUSE	2,396.88
			5/07/12	2718 INDUSTRIAL-VENTRIA	4,208.06
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	366.91
			5/04/12	KPERS #2	260.12
		TMHC SERVICES, INC.	5/01/12	DEC DRUG SCREENS	360.00
			5/01/12	JAN DRUG SCREENS	367.50
			5/01/12	JAN DRUG SCREENS	367.50
		MILITARY AFFAIRS COUNCIL	5/07/12	MAC BRKFST GERRY, PAT LAND	24.00
		MONTGOMERY COMMUNICATIONS INC	5/07/12	R-2673 PUBLICATON	513.55
			5/07/12	1ST QTR TREASURER REPORT	231.40
		PAWNEE MENTAL HEALTH	5/07/12	54 ANUAL CONTRACT RENEWAL	420.00
		LATHROP & GAGE LLP	5/03/12	LATHROP & GAGE LLP	28.50
			5/03/12	SEV TO 3/31/12 GEN BUS MTR	10,730.00
			5/03/12	3/31/12 RE REDETZKE CID	290.00
			5/03/12	WATER TOWER LEASE	1,372.00
			5/03/12	SPRNG VLY RD JOHNSON TRACT	3,430.74
				TOTAL:	30,958.90
PARKS	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	610.06
			5/04/12	MEDICARE WITHHOLDING	142.68
		GAME TIME ATHLETICS	4/10/12	TRUF PAINT, HM PLAT, PITCH	959.40
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CRDOSS BLUE SHIELD	148.66
			5/04/12	BLUE CROSS BLUE SHIELD	29.73
			5/04/12	BLUE CROSS BLUE SHIELD	743.30
		CENTURYLINK COMMUNICATION, INC.	5/04/12	PARKS	113.05
		VERIZON WIRELESS	4/23/12	209-0933=PARKS WORKER	0.00
			4/23/12	209-1306=PARKS WORKER	0.00
			4/23/12	210-7130=PARKS WORKER	32.02
			4/23/12	210-7131=PARKS/REC DIRECTO	51.61
			4/23/12	223-1324=PARKS WORKER	32.02
			4/23/12	307-8579=MIFI	40.01
		CENTURY UNITED COMPANIES, INC	4/17/12	Copier - WUPD	42.00
		C & M LAWN SERVICES	4/23/12	4/15 - 4/21 MOWING	2,746.00

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
			4/29/12	4/22 - 4/28 MOWING	2,630.00
EAE ENTERPRISES			4/25/12	MED STAFF SHIRTS	80.00
GEARY COUNTY PUBLIC WORKS			4/23/12	PARKS-UNLEADED	965.83
			4/23/12	PARKS-DIESEL	95.93
			4/23/12	PARKS-FUEL CHARGE-347. GAL	17.38
ADVANCE LIFE INSURANCE			5/04/12	ADVANCE LIFE INSURANCE	48.05
WESTAR ENERGY			5/07/12	2307 N JACKSON-POLE LIGHTS	160.77
			5/07/12	1021 GRANT-FEMA LAND	19.95
			5/07/12	100 GRANT-WASH-MONT PLAZA	36.91
			5/07/12	CORONADO PARK BATHROOMS	27.44
			5/07/12	CORONADO PARK LIGHTS	12.22
			5/07/12	CORONADO PARK TENNIS LIGHT	16.80
			5/07/12	RIMROCK PARK LIGHTS	85.61
			5/07/12	RIMROCK PARK LIGHTS	250.82
			5/07/12	NORTH PARK LIGHTS	22.89
			5/07/12	NORTH PARK LIGHTS	107.56
			5/07/12	SOUTH PARK LIGHTS	74.17
			5/07/12	SOUTH PARK LIGHTS	61.08
			5/07/12	SOUTH PARK BATHROOM	22.38
			5/07/12	FILBY PARK LIGHTS	57.49
			5/07/12	14TH&CUSTER-FILBY BATHROOM	16.80
			5/07/12	5TH ST PARK-TENNIS	123.83
			5/07/12	5TH&WASHINGTON-HERITAGE	409.92
			5/07/12	5TH ST PARK LIGHT POLES	166.81
			5/07/12	5TH ST PARK LIGHT POLES	136.74
			5/07/12	420 GRANT-BRAMLAGE	83.70
			5/07/12	SERTOMA PARK LIGHTS	16.80
			5/07/12	SERTOMA PARK LIGHTS	16.80
			5/07/12	CLEARY PARK LIGHTS	325.57
			5/07/12	CLEARY PLAYGROUND LIGHTS	21.41
			5/07/12	CLEARY PARK BATHROOM	16.80
			5/07/12	1020 W 11TH 1/2-CLEARY BLD	54.51
			5/07/12	RATHERT FIELD LIGHTS	42.02
			5/07/12	RATHERT FIELD	246.19
			5/07/12	RATHERT FIELD LIGHTS	91.53
			5/07/12	1200 N FRANKLIN ST	49.43
			5/07/12	200 N EISENHOWER-SIGN	203.73
			5/07/12	PAWNEE PARK LIGHT	21.41
			5/07/12	NORTH PARK-CONCESSION	353.91
			5/07/12	302 W 18TH-BUFFALO SOLDIER	239.87
			5/07/12	2301 SVR-PLANTERS	16.00
			5/07/12	930 E GUNNER-PATH LIGHT	96.77
			5/07/12	920 E GUNNER-PATH LIGHT	83.98
			5/07/12	145 E ASH-RIVER WALK	113.03
			5/07/12	1821 CAROLINE AVE-BLUFFS	29.19
			5/07/12	900 W 12TH-PARK LIGHT	16.80
			5/07/12	5TH & EISENHOWER-SIGN	106.74
KANSAS PUBLIC EMPLOYEES			5/04/12	KPERS #1	483.07
			5/04/12	KPERS #2	168.56
NEX-TECH			4/25/12	PARKS	2.12
VAN WALL EQUIPMENT			4/26/12	REAR MT FIELD FINISHER	405.00
VAN DIEST SUPPLY CO			4/22/12	PRAMITOL 25E	307.50
ROTHWELL LANDSCAPE INC			4/25/12	SOD AT RATHERT STADIUM	25.00
			4/25/12	SOD AT RATHERT STADIUM/LAB	64.50
			TOTAL:		15,039.86

DEPARTMENT	FUND	VENDOR NAME	DATE DESCRIPTION	AMOUNT
SWIMMING POOL	GENERAL FUND	WESTAR ENERGY	5/07/12 5TH ST POOL	61.92
		MONTGOMERY COMMUNICATIONS INC	5/07/12 LIFE GUARD JOB POSTING	<u>153.90</u>
			TOTAL:	215.82
AIRPORT	GENERAL FUND	WESTAR ENERGY	5/07/12 540 W 18TH-AIRPORT MAIN	257.96
			5/07/12 AIRPORT FLASHER LIGHTS	<u>26.73</u>
			TOTAL:	284.69
GOLF COURSE	GENERAL FUND	CURT'S PEST CONTROL	5/07/12 PEST CONTROL SERVICE	77.00
		INTERNAL REVENUE SERVICE	5/04/12 SOCIAL SECURITY WITHHOLDIN	498.21
			5/04/12 MEDICARE WITHHOLDING	116.52
		US FOOD SERVICE	5/07/12 US FOOD SERVICE	244.98
			5/07/12 US FOOD SERVICE	191.79
		BLUE CROSS BLUE SHIELD OF KS	5/04/12 BLUE CROSS BLUE SHIELD	297.32
		CENTURYLINK COMMUNICATION, INC.	5/04/12 GOLF COURSE	147.18
		WINFIELD SOLUTIONS LLC	4/25/12 TOURNEY NON AGENCY	1,318.40
			5/07/12 WS BLUE /21-00 (NH 4) 2 SO	312.84
		AGRIUM ADVANCED TECHNOLOGIES	4/25/12 BENSUMEC 4LF	840.00
		CROWN DISTRIBUTORS, INC.	5/07/12 BEER SUPPLY	149.69
			5/07/12 BEER SUPPLY	128.00
		FLINT HILLS BEVERAGE LLC	5/07/12 BEER SUPPLY	179.11
			5/07/12 BEER SUPPLIES	244.56
			5/07/12 BEER SUPPLIES	128.30
		TITLEIST	4/25/12 CLUB SHAFT REPLACEMENT	99.93
			5/07/12 GOLF BALLS	682.68
		GEARY COUNTY RWD #4	5/07/12 WATER	44.13
		HELENA CHEMICAL COMPANY	4/26/12 RESOLUTE 65 WG	840.00
		ADVANCE LIFE INSURANCE	5/04/12 ADVANCE LIFE INUSRANCE	26.47
		KANSAS PUBLIC EMPLOYEES	5/04/12 KPERS #1	149.91
			5/04/12 KPERS #2	246.66
		KONZA CONST. CO.	4/26/12 GOLF COURSE SAND	125.04
			4/26/12 GOLF COURSE SAND	243.86
		NEX-TECH	4/25/12 GOLF COURSE	21.03
		SNACK EXPRESS	4/26/12 FOOD / VENDING SUPPLIES	143.65
			4/26/12 FOOD / VENDING SUPPLIES	188.00
			5/07/12 FOOD / VENDING	55.90
			5/07/12 FOOD / VENDING	190.00
		CLEVELAND GOLF/SRIXON	5/07/12 SPECIAL ORDER	53.85
		TIELKE ENTERPRISE, LLC	4/25/12 SANDWICHES	79.34
		VAN WALL EQUIPMENT	5/07/12 ROLLER/WHEEL/MISC SMALL PA	138.06
			5/07/12 SPLINED CO	<u>97.83</u>
			TOTAL:	8,300.24
AMBULANCE	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12 SOCIAL SECURITY WITHHOLDIN	47.27
			5/04/12 MEDICARE WITHHOLDING	210.16
		BLUE CROSS BLUE SHIELD OF KS	5/04/12 BLUE CROSS BLUE SHIELD	148.66
			5/04/12 BLUE CROSS BLUE SHIELD	1,068.16
		CENTURYLINK COMMUNICATION, INC.	5/04/12 AMBULANCE	128.75
		VERIZON WIRELESS	4/23/12 223-1237 (M3)	9.08
			4/23/12 223-1238 (M4)	8.22
			4/23/12 223-1240 (M2)	7.83
			4/23/12 223-1243 (M1)	5.35
			4/23/12 223-7309 (CHIEF STEINFORT)	32.02
		KA-COMM	5/03/12 SERVICE CONTRACT/MAINT AMB	173.50
		GEARY COUNTY PUBLIC WORKS	4/10/12 DIESEL FUEL - AMBULANCE	2,463.76
		ADVANCE LIFE INSURANCE	5/04/12 ADVANCE LIFE INUSRANCE	102.96



DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
		WESTAR ENERGY	5/07/12	700 N JEFFERSON	876.76
			5/07/12	MUNICIPAL BLDG-POLE LIGHT	15.47
		JASON LANKAS	4/25/12	REIMBURSEMENT FOR TO TRNG	65.00
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	61.20
			5/04/12	KP&F	3,085.68
		MOORE MEDICAL LLC	4/23/12	MEDICAL SUPPLIES	918.05
		MONTGOMERY COMMUNICATIONS INC	5/07/12	BIDS JC&D GARAGE DOORS	18.45
		NEX-TECH	4/25/12	AMBULANCE	0.54
		OMNI BILLING	5/01/12	AMBULANCE BILLING - APR 20	<u>4,169.93</u>
				TOTAL:	13,616.80
ANIMAL SHELTER	GENERAL FUND	GEARY COUNTY CLERK	5/02/12	MAR 2012-ANIMAL SHELTER FE	<u>5,556.47</u>
				TOTAL:	5,556.47
COUNTY/INS ZONING SVCS	GENERAL FUND	CENTURYLINK COMMUNICATION, INC.	5/04/12	ZONING/COUNTY INSPECTION	19.83
		VERIZON WIRELESS	4/12/12	Zoning Administrator	51.61
			4/12/12	Public Works Director 1/3	17.88
		KEY OFFICE EQUIPMENT	5/07/12	INDEX, INSERT, LABELS	2.59
		MONTGOMERY COMMUNICATIONS INC	5/07/12	PUBLIC HEARING NOTICE BZA	89.04
			5/07/12	NOTICE OF PUB HEARING BZA	89.42
			5/07/12	PUBLIC HEARING NOTICE BZA	91.32
			5/07/12	PUBLIC HEARING NOTICE MPC	64.68
			5/07/12	PUBLIC HEARING NOTICE MPC	79.64
			5/07/12	PUBLIC HEARING NOTICE MPC	64.68
			5/07/12	RESOLUTION 04-16-2012	141.63
			5/07/12	RESOLUTION 04-16-2012A	190.79
			5/07/12	PUBLIC HEARING NOTICE MPC	64.68
			5/07/12	NOTICE OF PUBLIC HEARING	<u>62.54</u>
				TOTAL:	1,030.33
ENGINEERING	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	105.20
			5/04/12	MEDICARE WITHHOLDING	24.60
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	199.20
		VERIZON WIRELESS	4/12/12	Asst City Engineer	51.61
			4/12/12	Engineering Assistant	51.61
			4/12/12	Public Works Director 1/3	17.88
		GEARY COUNTY PUBLIC WORKS	4/01/12	747 SORT 1	44.85
			4/01/12	FUEL SURCHARGE	0.75
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INSURANCE	11.77
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	96.43
			5/04/12	KPERS #2	<u>36.48</u>
				TOTAL:	640.38
CODES ENFORCEMENT	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	207.67
			5/04/12	MEDICARE WITHHOLDING	48.58
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	148.66
			5/04/12	BLUE CROSS BLUE SHIELD	222.99
		CENTURYLINK COMMUNICATION, INC.	5/04/12	CODE ENFORCEMENT	49.59
		VERIZON WIRELESS	4/12/12	Senior Inspector	32.02
			4/12/12	Inspector	32.02
			4/12/12	Public Works Director 1/3	17.89
			4/12/12	IPAD2 - Senior Inspector	40.01
			4/12/12	IPAD2 - Inspector	40.01
		F & R SERVICES	5/01/12	13 BLIGHTS @ \$70= \$910.00	910.00
			5/01/12	1 BLIGHT @ \$77= \$77	77.00
		GEARY COUNTY PUBLIC WORKS	4/10/12	726- Sort 1	58.01

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
			4/10/12	726- Sort 2	136.64
			4/10/12	722- Sort 1	148.01
			4/10/12	722- Sort 2	80.73
			4/10/12	FUEL SURCHARGE	7.08
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	22.78
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	286.59
		INTERNATIONAL CODE COUNCIL, INC	4/20/12	RAW,G 06 IBC STUDY GUIDE	57.00
			4/27/12	RAW,G 06 IBC FLASH CARDS	21.00
			4/17/12	CLINT W/BRAMLAGE 06 IBC ST	56.00
			TOTAL:		2,700.28
POLICE	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	509.03
			5/04/12	SOCIAL SECURITY WITHHOLDIN	1,161.16
			5/04/12	MEDICARE WITHHOLDING	1,147.53
			5/04/12	MEDICARE WITHHOLDING	303.46
		TODD GODFREY	5/07/12	2012 CLOTHING ALLOWANCE	750.00
		SPRINT	5/07/12	LCI-137064 PHONE PING 10-0	30.00
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CRDOSS BLUE SHIELD	148.66
			5/04/12	BLUE CRDOSS BLUE SHIELD	148.66
			5/04/12	BLUE CROSS BLUE SHIELD	408.81
			5/04/12	BLUE CROSS BLUE SHIELD	37.17
			5/04/12	BLUE CROSS BLUE SHIELD	3,939.48
			5/04/12	BLUE CROSS BLUE SHIELD	891.97
		CENTURYLINK COMMUNICATION, INC.	5/04/12	POLICE	653.72
			5/04/12	DISPATCH	653.72
		VERIZON WIRELESS	5/02/12	PD CELL APRIL 2012	944.39
		BUD'S WRECKER SERVICE	5/07/12	63877 TOWING FEES 12-03785	50.00
			5/07/12	63952 TOWING FEES 12-03785	65.00
		STAPLES ADVANTAGE	5/07/12	3173042454 PLOTTER PAPER	93.20
			5/07/12	3173042455 TONER/PLOTTER P	715.36
		JASON WARYAN	5/07/12	2012 EQUIPMENT ALLOWANCE	200.00
		KA-COMM	5/03/12	SERVICE CONTRACT/MAINT POL	188.50
			5/03/12	SERVICE CONTRACT/MAINT POL	188.50
			5/07/12	107922 RADIO BATTERY	220.00
		GEARY COUNTY PUBLIC WORKS	5/02/12	PD FUEL MARCH 2012	7,933.81
		GEARY COUNTY SHERIFF	5/02/12	JAIL EXPENSE APRIL 2012	30,000.00
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	469.74
			5/04/12	ADVANCE LIFE INUSRANCE	131.43
		WESTAR ENERGY	5/07/12	210 E 9TH-JCPD	2,295.30
			5/07/12	312 E 9TH-JCPD STORAGE	204.27
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	522.33
			5/04/12	KPERS #1	838.08
			5/04/12	KP&F	13,392.36
			5/04/12	KP&F	623.40
			5/04/12	KPERS #2	70.46
			5/04/12	KPERS #2	577.80
		MONTGOMERY COMMUNICATIONS INC	5/07/12	DISPATCHER AD	153.90
		NAPA AUTO PARTS OF J.C.	5/07/12	232136 GEAR OIL #250	69.95
			5/07/12	232949 BRAKE PADS #216	64.91
			5/07/12	233622 BRAKE PADS #202	40.19
			5/07/12	233627 BRAKE ROTOR #202	113.20
		NEX-TECH	4/25/12	POLICE	74.78
			4/25/12	DISPATCH	78.43
		PDQ EMERGENCY PRODUCTS	5/07/12	16176 RHODIUM CABS	251.16
		SERVICEMASTER	5/07/12	MAY 2012 PD JANITORICAL SE	754.00
			TOTAL:		72,107.82

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
FIRE	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	279.41
			5/04/12	MEDICARE WITHHOLDING	897.96
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CRDOSS BLUE SHIELD	148.66
			5/04/12	BLUE CROSS BLUE SHIELD	3,837.62
		CENTURYLINK COMMUNICATION, INC.	5/04/12	FIRE	128.75
		VERIZON WIRELESS	4/23/12	209-0124 (STN 2 CAPT)	6.40
			4/23/12	209-0255 (BC)	6.34
			4/23/12	209-0668 (STN 1 CAPT)	5.29
		DANKO EMERGENCY EQUIPMENT CO.	4/20/12	1 HELMET	198.81
		KA-COMM	5/03/12	SERVICE CONTRACT/MAINT FIR	173.50
		EMERGENCY FIRE EQUIPMENT	4/10/12	HELMET SHIELDS	74.00
		GEARY COUNTY PUBLIC WORKS	4/10/12	DIESEL FUEL - FIRE	1,330.34
			4/10/12	MOTOR FUEL - FIRE	144.71
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	354.78
		WESTAR ENERGY	5/07/12	700 N JEFFERSON	876.76
			5/07/12	MUNICIPAL BLDG-POLE LIGHT	15.47
			5/07/12	2245 LACY-FIRESTATION#2	511.15
		JASON LANKAS	4/25/12	REIMBURSEMENT FOR TRAINING	200.00
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	61.21
			5/04/12	KP&F	10,887.23
		MONTGOMERY COMMUNICATIONS INC	5/07/12	BIDS JCFFD GARAGE DOORS	18.44
		NEX-TECH	4/25/12	FIRE	0.54
		WEIS FIRE & SAFETY EQUIP	4/09/12	OIL INDICATOR/POWER UNIT	30.54
			5/04/12	HOSE, O-RINGS/RES Q TEC EQ	914.63
			4/18/12	AIRBAG PARTS	100.00
				TOTAL:	21,202.54
STREET	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	48.89
			5/04/12	MEDICARE WITHHOLDING	11.43
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	37.17
			4/29/12	SRTS PHASE 2 3/26/12-4/22/	80.07
		ALFRED BENESCH & COMPANY	5/04/12	SRTS EASEMENT 3/26/12-4/22	2,276.00
			5/01/12	600 BLOCK E 7TH ST-ROW	15.00
		F & R SERVICES	5/01/12	603 SKYLINE DRIVE	10.00
			5/01/12	714 SKYLINE DRIVE	10.00
			5/01/12	GOLDENBELT BLVD-ROW	300.00
			5/01/12	ASH STREET(600 BLOCK)	15.00
			5/01/12	DITCH BETWEEN 100 BLK E VI	15.00
			5/01/12	EAST 6TH ST PARKING LOT	15.00
			5/01/12	EAST 6TH ST ROW	500.00
			5/01/12	E CHESTNUT-ROW & UPRR TRAC	50.00
			5/01/12	FIRE STATION #2- LACY DRIV	50.00
			5/01/12	LACY DRIVE	100.00
			5/01/12	MEADOW LANE ROW	15.00
			5/01/12	ST MARYS ROAD ROW(CHURCH)	30.00
			5/01/12	VACANT DRAINAGE DITCH-RILE	15.00
			5/01/12	INDUSTRIAL PARK ROW	50.00
			5/01/12	WATER TOWER-SPRUCE ST	50.00
			5/01/12	WATER TOWER-WEST ASH ST	40.00
			5/01/12	E ASH ST NEAR RR TRACKS	70.00
			5/01/12	SVR ROW	75.00
			5/01/12	SVR ADDITION ISLANDS	80.00
			5/01/12	STRAUSS BLVD ISLANDS R/W	300.00
			5/01/12	I 70 ROW	600.00
			5/01/12	EASH ASH ST LIFT STATION	50.00
			5/01/12	SOUTH JACKSON ST DRAINAGE	30.00

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
			5/01/12	ASH ST FROM CHESTNUT SOUTH	230.00
			5/01/12	136 E 3RD	30.00
			5/01/12	225 E 3RD	30.00
			5/01/12	6TH ST UNDERPASS	100.00
			5/01/12	SANDUSKY ROW	75.00
			5/01/12	THE BLUFFS AREA	100.00
			5/01/12	TOM NEAL INDUSTRIAL PARK A	250.00
			5/01/12	SOUTHWIND/KJCK EAST TO TOW	150.00
			5/01/12	CHADWICK	15.00
			5/01/12	HOLLY LANE ISLAND	15.00
			5/01/12	SPV R/W K-18 N TO RR	500.00
			5/01/12	FOX SPARROW ENT TO SUTTER	60.00
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INSURANCE	2.55
		WESTAR ENERGY	5/07/12	2324 N JACKSON-PUBLIC WORK	110.53
			5/07/12	CRESTVIEW-ST LIGHTS	16.80
			5/07/12	6&700 BLK WASH-SIGNAL	145.89
			5/07/12	904 N FRANKLIN-ST LIGHTS	0.00
			5/07/12	JUNCTION CITY	192.61
			5/07/12	107 S WASHINGTON-ST LIGHTS	17.17
			5/07/12	915 W 4TH-ST LIGHTS	12.22
			5/07/12	9TH&100 BLK W 9TH-ST LIGHT	22.89
			5/07/12	9TH & FILLEY-ST LIGHTS	42.82
			5/07/12	SPRUCE ST-ST LIGHTS	16.80
			5/07/12	SPRUCE & BUNKERHILL-ST LIG	19.17
			5/07/12	UTILITY PARKING LOT-ST LIG	51.28
			5/07/12	UTILITY PARKING LOT-ST LIG	51.28
			5/07/12	JEFFERSON-BETWEEN 6TH-ST L	97.06
			5/07/12	MINNICK PARKING LOT-ST LIG	97.06
			5/07/12	PARKING LOT-	78.19
			5/07/12	WASHINGTON BRIDGE	67.99
			5/07/12	S BALLPARK 2 & 3-ST LIGHTS	16.80
			5/07/12	16TH & WASHINGTON-ST LIGHT	8.39
			5/07/12	1935 NORTHWIND-ST LIGHTS	19.04
			5/07/12	1935 NORTHWIND-ST LIGHTS	20.53
			5/07/12	8TH & 9TH ST-ST LIGHTS	5.25
			5/07/12	11TH ST & JACKSON SCHOOL X	5.25
			5/07/12	807 N WASHINGTON-ST LIGHT	218.01
			5/07/12	615 N WASHINGTON-ST LIGHTS	141.24
			5/07/12	716 N WASHINGTON-ST LIGHTS	258.12
			5/07/12	132 N EISENHOWER-ST LIGHT	17.28
			5/07/12	105 W 7TH ST-ST LIGHTS	59.93
			5/07/12	107 W 7TH ST-ST LIGHTS	78.74
			5/07/12	109 W 7TH-ST LIGHTS	52.56
			5/07/12	1419 N JEFFERSON-ST LIGHTS	17.28
			5/07/12	1618 N JEFFERSON-ST LIGHTS	17.00
			5/07/12	2800 GATEWAY-ST LIGHT	90.52
			5/07/12	1200 S WASHINGTON-ST LIGHT	228.11
			5/07/12	316 N US HWY 77-FLASHER	16.80
			5/07/12	600 W 6TH-ST LIGHT	42.55
			5/07/12	1121 S US HWY 77-FLASHER	17.54
			5/07/12	401 CAROLINE CT-ST LIGHT	18.97
			5/07/12	351 E CHESTNUT-ST LIGHT	263.32
			5/07/12	ST MARYS CEMETARY-SIREN	27.96
			5/07/12	INDUSTRIAL PARK-ST LIGHT	64.20
			5/07/12	601 W CHESTNUT-FLAG	16.80
			5/07/12	1222 W 8TH-SIREN	17.45

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
			5/07/12	CIVIL DEFENSE-SIREN	30.62
			5/07/12	CIVIL DEFENSE-SIREN	30.62
			5/07/12	630 1/2 E TORNADO SIREN	27.96
			5/07/12	AIRPORT RD & JACKSON SIREN	28.25
			5/07/12	403 GRANT AVE-SIREN	18.96
			5/07/12	703 W ASH-SIREN	16.89
			5/07/12	1102 ST MARYS RD-SIREN	18.42
			5/07/12	2022 LACY DRIVE-SIREN	16.80
			5/07/12	701 SOUTHWIND-SIREN	19.17
			5/07/12	CIVIL DEFENSE SIREN	30.62
			5/07/12	CHESTNUT & WASHINGTON	89.13
			5/07/12	HWY 77 & MCFARLAND	46.67
			5/07/12	6TH & ADAMS	128.04
			5/07/12	6TH & GARFIELD	137.22
			5/07/12	6TH & EISENHOWER	65.02
			5/07/12	6TH & WEBSTER	136.43
			5/07/12	6TH & JACKSON	24.33
			5/07/12	6TH & MADISON	86.53
			5/07/12	6TH & FRANKLIN	64.26
			5/07/12	8TH & JEFFERSON	72.88
			5/07/12	8TH & JEFFERSON	321.62
			5/07/12	8TH & JACKSON	103.27
			5/07/12	8TH & WASHINGTON	54.40
			5/07/12	9TH & WASHINGTON	104.72
			5/07/12	14TH & JACKSON	104.16
			5/07/12	1760 W ASH	45.55
			5/07/12	4TH & WASHINGTON-BLINKER	17.17
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #2	58.75
		MONTGOMERY COMMUNICATIONS INC	5/07/12	PUBLIC WORKS JOB ADS	153.90
		VEOLIA WATER NORTH AMERICA	4/09/12	PUBLIC WORKS	121,531.42
			TOTAL:		132,859.29
COURT	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	346.28
			5/04/12	MEDICARE WITHHOLDING	80.99
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	297.32
		HANDY'S	4/25/12	RESTITUTION CASE#12-02775	30.14
		CENTURYLINK COMMUNICATION, INC.	5/04/12	MUNICIPAL COURT	52.67
		STAPLES ADVANTAGE	5/07/12	LTR CAN KLNK BRD BX TAPE S	49.84
			5/07/12	SPCL DL GLADE	1.79
		JOSHUA DOUGLASS	5/07/12	PAYMENT EVERY TWO WEEKS	2,500.00
		ROGER ERICHSEN	5/07/12	BOND REF STEVE ERICHSEN	34.00
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	34.58
		WESTAR ENERGY	5/07/12	221 W 7TH-COURT	192.17
			5/07/12	225 W 7TH-COURT-PARKING LI	9.86
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	353.85
			5/04/12	KPERS #2	70.46
		MISC BELUE, SHANNON L	5/04/12	Bond Refund:10-11084 -04	89.00
			TOTAL:		4,142.95
JC OPERA HOUSE	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	160.70
			5/04/12	MEDICARE WITHHOLDING	37.58
		CENTURYLINK COMMUNICATION, INC.	5/04/12	OPERA HOUSE	49.61
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS RETIRED	348.36
			TOTAL:		596.25
RECREATION	GENERAL FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	177.16

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
			5/04/12	SOCIAL SECURITY WITHHOLDIN	36.14-
			5/04/12	MEDICARE WITHHOLDING	41.43
			5/04/12	MEDICARE WITHHOLDING	8.45-
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	118.93
		CENTURYLINK COMMUNICATION, INC.	5/04/12	RECREATION	210.31
		VERIZON WIRELESS	4/23/12	210-6980=RECREATION DIRECT	0.00
		EAE ENTERPRISES	4/25/12	PASTA 58 BAGS	270.00
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	13.39
			5/04/12	ADVANCE LIFE INUSRANCE	2.66-
		WESTAR ENERGY	5/07/12	1002 W 12TH-COMMUNITY/P LI	1,551.77
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	42.78
			5/04/12	KPERS #1	42.78-
			5/04/12	KPERS #2	56.37
		NEX-TECH	4/25/12	RECREATION	13.71
				TOTAL:	2,405.82
NON-DEPARTMENTAL	GRANTS	INTERNAL REVENUE SERVICE	5/04/12	FEDERAL WITHHOLDING	1,437.60
			5/04/12	SOCIAL SECURITY WITHHOLDIN	203.58
			5/04/12	MEDICARE WITHHOLDING	204.28
		ING LIFE INSURANCE & ANNUITY COMPANY	5/04/12	ING	125.00
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	250.32
			5/04/12	BLUE CROSS BLUE SHIELD	260.12
		JUNCTION CITY FIREFIGHTERS AID ASSOCIA	5/04/12	FIREFIGHTERS AID ASSOCIATI	15.00
		FIREMEN'S RELIEF ASSOCIATION	5/04/12	FIREMANS RELIEF	26.64
		JUNCTION CITY FIRE FIGHTERS ASSOCIATIO	5/04/12	I.A.F.F. LOCAL 3309	126.00
		KANSAS DEPT OF REVENUE	5/04/12	STATE WITHHOLDING	563.63
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	213.86
			5/04/12	KP&F	666.73
		FLEXIBLE SPENDING ACCOUNT #41807030	5/04/12	FIRST STATE BANK	240.83
		UNITED WAY OF JUNCTION CITY-GEARY COUN	5/04/12	UNITED WAY	18.00
				TOTAL:	4,351.59
SELF HELP HOUSING	GRANTS	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	300.51
			5/04/12	MEDICARE WITHHOLDING	70.28
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	148.66
			5/04/12	BLUE CROSS BLUE SHIELD	148.66
		CENTURYLINK COMMUNICATION, INC.	5/04/12	SELF HELP HOUSING	19.83
		VERIZON WIRELESS	4/12/12	SHH Coordinator	32.02
			4/12/12	SHH Director	51.61
		AGRI-DIRECT	5/07/12	SELF HELP HOUSING-TOOL	25.95
		EXPERIAN	5/02/12	APRIL 2012-CREDIT CHECKS	59.41
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	27.98
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	392.44
				TOTAL:	1,277.35
SAFER GRANT-FIRE DEPT	GRANTS	INTERNAL REVENUE SERVICE	5/04/12	MEDICARE WITHHOLDING	134.00
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	891.96
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	54.78
		KANSAS PUBLIC EMPLOYEES	5/04/12	KP&F	1,575.37
				TOTAL:	2,656.11
NON-DEPARTMENTAL	SPIN CITY	INTERNAL REVENUE SERVICE	5/04/12	FEDERAL WITHHOLDING	231.48
			5/04/12	FEDERAL WITHHOLDING	31.07-
			5/04/12	SOCIAL SECURITY WITHHOLDIN	171.54
			5/04/12	SOCIAL SECURITY WITHHOLDIN	1.19-
			5/04/12	MEDICARE WITHHOLDING	59.23

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
			5/04/12	MEDICARE WITHHOLDING	0.41-
		KANSAS DEPT OF REVENUE	5/04/12	STATE WITHHOLDING	85.12
			5/04/12	STATE WITHHOLDING	10.04-
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	45.93
			5/04/12	KPERS #1	1.13-
				TOTAL:	549.46
SPIN CITY	SPIN CITY	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	253.21
			5/04/12	SOCIAL SECURITY WITHHOLDIN	1.75-
			5/04/12	MEDICARE WITHHOLDING	59.23
			5/04/12	MEDICARE WITHHOLDING	0.41-
		CASH-WA DISTRIBUTING	4/24/12	CANDY, HOTDOGS, RELISH	120.32
			4/24/12	PAPER PRODUCTS	96.00
			4/24/12	GLASS CLEANER	45.55
			4/24/12	FUEL CHARGE	7.00
			4/24/12	HOT DOGS, PICKLES	66.83
			4/24/12	FUEL CHARGE	7.00
			4/24/12	NAPKINS	55.10
			4/24/12	PAPER PRODUCTS	105.60
			5/01/12	PAPER PRODUCTS	265.28
			5/01/12	WATER	23.28
			5/01/12	DELIVERY FEE	7.00
		CENTURYLINK COMMUNICATION, INC.	5/04/12	SPIN CITY	90.18
		VERIZON WIRELESS	4/23/12	223-1084=SPIN CITY MANAGER	51.61
		BLUE BELL CREAMERIES, L.P.	5/02/12	CREAMER FOR	309.80
			5/02/12	ICE CREAM	61.80
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	5.24
			5/04/12	ADVANCE LIFE INUSRANCE	2.66
		WESTAR ENERGY	5/07/12	915 S WASHINGTON-GOLF-SPIN	58.55
			5/07/12	915 S WASHINGTON-SPIN CITY	1,055.05
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	84.29
			5/04/12	KPERS #1	2.08-
		NEX-TECH	4/25/12	SPIN CITY	0.40
		SNACK EXPRESS	4/24/12	CHIPS, SODA, CANDY	81.60
			4/24/12	CHIPS, GATORADE, CANDY	113.40
			4/24/12	CHIPS, SODA	195.60
		WIZARD'S ELECTRONIC SVC	4/19/12	SKATE FLOOR LIGHTS REPAIR	29.00
			4/19/12	SKATE FLOOR LABOR	60.00
			4/24/12	SKATE FLOOR LABOR	47.50
			4/24/12	SKATE FLOOR LABOR	47.50
			4/24/12	SKATE FLOOR LIGHTS REPAIR	32.50
			4/24/12	SKATE FLOOR LABOR	47.50
			4/24/12	SKATE FLOOR LABOR	47.50
			4/24/12	SKATE FLOOR LABOR	47.50
			4/24/12	SKATE FLOOR LIGHTS REPAIR	4.00
			4/24/12	SKATE FLOOR LABOR	47.50
			4/24/12	SKATE FLOOR LIGHTS REPAIR	32.50
			4/24/12	SKATE FLOOR LABOR	42.50
			4/24/12	SKATE FLOOR LIGHTS REPAIR	32.50
			4/24/12	SKATE FLOOR LABOR	42.50
			4/24/12	SKATE FLOOR LIGHTS REPAIR	32.50
			4/24/12	SKATE FLOOR LABOR	42.50
			4/24/12	SKATE FLOOR LIGHTS REPAIR	32.50
			4/24/12	SKATE FLOOR LABOR	42.50
			4/24/12	SKATE FLOOR LABOR	450.00
				TOTAL:	4,377.84

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
INDUSTRIAL REVENUE BON	BOND & INTEREST	SECURITY BANK OF KANSAS CITY	5/01/12	VENTRIA IRB MONTHLY-MAY 20	99,965.15
				TOTAL:	99,965.15
BOND & INTEREST	BOND & INTEREST	LANDMARK NATIONAL BANK	5/01/12	MAY 2012-LOAN PAYMENT	8,717.87
				TOTAL:	8,717.87
NON-DEPARTMENTAL	WATER & SEWER FUND	FAMILY SUPPORT PAYMENT CENTER (MISSOURI	5/04/12	MACSS #41061331/ CV103-753	154.85
		INTERNAL REVENUE SERVICE	5/04/12	FEDERAL WITHHOLDING	1,832.53
			5/04/12	SOCIAL SECURITY WITHHOLDIN	787.93
			5/04/12	MEDICARE WITHHOLDING	272.04
		ING LIFE INSURANCE & ANNUITY COMPANY	5/04/12	ING	332.37
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	212.77
			5/04/12	BLUE CROSS BLUE SHIELD	359.06
			5/04/12	BLUE CROSS BLUE SHIELD	219.64
		KANSAS DEPT OF REVENUE	5/04/12	STATE WITHHOLDING	792.71
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	399.39
			5/04/12	KPERS #2	551.73
		FLEXIBLE SPENDING ACCOUNT #41807030	5/04/12	FIRST STATE BANK	164.77
		PRE-PAID LEGAL SERVICES,	5/04/12	PREPAID LEGAL	26.51
		UNITED WAY OF JUNCTION CITY-GEARY COUN	5/04/12	UNITED WAY	20.75
				TOTAL:	6,127.05
WATER PLANT	WATER & SEWER FUND	VEOLIA WATER NORTH AMERICA	4/09/12	WATER	131,083.90
				TOTAL:	131,083.90
WATER ADMINISTRATION	WATER & SEWER FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	606.48
			5/04/12	MEDICARE WITHHOLDING	141.85
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	52.03
			5/04/12	BLUE CROSS BLUE SHIELD	52.03
			5/04/12	BLUE CROSS BLUE SHIELD	457.88
		CENTURYLINK COMMUNICATION, INC.	5/04/12	WATER ADMINISTRATION	133.07
		VERIZON WIRELESS	4/23/12	209-1393=METER READER	32.02
			4/23/12	210-6618=METER READER	32.02
			4/23/12	223-1358=CITY TREASURER	51.61
			4/23/12	307-8209=IPAD, Meter Reade	40.01
			4/23/12	307-8254=IPAD, Meter Reade	40.01
		MIZE & HOUSER COMPANY	5/03/12	AUDIT FIN STMTS YR END 12/	8,125.00
		GEARY COUNTY PUBLIC WORKS	4/23/12	WATER-UNLEADED	345.77
			4/23/12	WATER-SURCHARGE 114.2GAL@.	5.71
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	50.60
		WESTAR ENERGY	5/07/12	2232 W ASH-WATER TOWER	91.39
			5/07/12	2100 N JACKSON-WATER	195.53
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	346.70
			5/04/12	KPERS #2	404.49
		POSTMASTER	5/01/12	MAY 2012-BULK POSTAGE	2,500.00
		CARDINAL INSURANCE	5/02/12	TREASURER BOND-12/8/11-12/	224.00
		CINTAS #451	5/02/12	SCRAPER/BROWN MAT	28.28
			5/02/12	UNIFORMS-LANGDON, KENNY	10.23
			5/04/12	SCRAPER/BROWN MAT	45.26
			5/04/12	UNIFORMS-LANGDON, KENNY	10.23
			5/04/12	SCRAPER/BROWN MAT	15.35
		XEROX CORPORATION	5/01/12	Water Dept Copier	177.39
				TOTAL:	14,214.94
SEWER ADMINISTRATION	WATER & SEWER FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	556.69
			5/04/12	MEDICARE WITHHOLDING	130.19



DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	74.33
			5/04/12	BLUE CROSS BLUE SHIELD	74.33
			5/04/12	BLUE CROSS BLUE SHIELD	420.71
		MIZE & HOUSER COMPANY	5/03/12	AUDIT FIN STMTS YR END 12/	0.00
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	53.22
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	386.15
			5/04/12	KPERS #2	315.28
		MONTGOMERY COMMUNICATIONS INC	5/07/12	BIDS SANITARY LIFT STATION	34.75
		POSTMASTER	5/01/12	MAY 2012-BULK POSTAGE	2,500.00
				TOTAL:	4,545.65
WASTEWATER PLANTS	WATER & SEWER FUND	VEOLIA WATER NORTH AMERICA	4/09/12	WASTEWATER	181,645.28
				TOTAL:	181,645.28
NON-DEPARTMENTAL	STORM WATER	INTERNAL REVENUE SERVICE	5/04/12	FEDERAL WITHHOLDING	177.48
			5/04/12	SOCIAL SECURITY WITHHOLDIN	62.16
			5/04/12	MEDICARE WITHHOLDING	21.46
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	27.87
		KANSAS DEPT OF REVENUE	5/04/12	STATE WITHHOLDING	66.47
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	28.61
			5/04/12	KPERS #2	48.03
		UNITED WAY OF JUNCTION CITY-GEARY COUN	5/04/12	UNITED WAY	1.25
				TOTAL:	433.33
STORM WATER MANAGEMENT	STORM WATER	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	91.73
			5/04/12	MEDICARE WITHHOLDING	21.47
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	111.48
		J & K CONTRACTING L.C.	4/20/12	PRICE RAVINE - CONSTRUCTIO	78,426.00
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	7.08
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	52.50
			5/04/12	KPERS #2	58.76
		VEOLIA WATER NORTH AMERICA	4/09/12	STORM WATER	6,166.67
				TOTAL:	84,935.69
ECONOMIC DEVELOPMENT	ECONOMIC DEVELOPME	CENTURYLINK COMMUNICATION, INC.	5/04/12	EDC	39.67
		NEX-TECH	4/25/12	EDC	0.40
				TOTAL:	40.07
SPECIAL HIGHWAY	SPECIAL HIGHWAY FU	CENTURYLINK COMMUNICATION, INC.	5/04/12	ENGINEERING	49.59
				TOTAL:	49.59
NON-DEPARTMENTAL	SANITATION FUND	INTERNAL REVENUE SERVICE	5/04/12	FEDERAL WITHHOLDING	145.61
			5/04/12	SOCIAL SECURITY WITHHOLDIN	73.68
			5/04/12	MEDICARE WITHHOLDING	25.44
		ING LIFE INSURANCE & ANNUITY COMPANY	5/04/12	ING	26.63
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	37.55
			5/04/12	BLUE CROSS BLUE SHIELD	63.36
			5/04/12	BLUE CROSS BLUE SHIELD	22.28
		KANSAS DEPT OF REVENUE	5/04/12	STATE WITHHOLDING	69.47
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	52.46
			5/04/12	KPERS #2	36.01
		FLEXIBLE SPENDING ACCOUNT #41807030	5/04/12	FIRST STATE BANK	25.00
		PRE-PAID LEGAL SERVICES,	5/04/12	PREPAID LEGAL	2.39
		UNITED WAY OF JUNCTION CITY-GEARY COUN	5/04/12	UNITED WAY	1.35
				TOTAL:	581.23

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
SANITATION PICKUP	SANITATION FUND	VEOLIA WATER NORTH AMERICA	4/09/12	SANITATION	114,663.28
				TOTAL:	114,663.28
SANITATION ADMINISTRAT	SANITATION FUND	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	108.73
			5/04/12	MEDICARE WITHHOLDING	25.42
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	22.30
			5/04/12	BLUE CROSS BLUE SHIELD	22.30
			5/04/12	BLUE CROSS BLUE SHIELD	89.20
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	11.23
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	96.26
			5/04/12	KPERS #2	44.04
		VEOLIA WATER NORTH AMERICA	4/09/12	PURCHASE 76 POLYCARTS	4,612.53
				TOTAL:	5,032.01
EMPLOYEE BENEFITS	EMPLOYEE BENEFITS	DELTA DENTAL (PREMIUMS)	5/01/12	FEB 2012 PREMIUM	1,018.28
			5/01/12	MAR 2012 PREMIUM	1,450.28
			5/01/12	APR 2012 PREMIUM	1,106.36
		WORKSITE BENEFIT PLAN	5/07/12	WBP MAY 2012	319.00
				TOTAL:	3,893.92
SUNDOWN SALUTE	SUNDOWN SALUTE	SUNDOWN SALUTE INC	5/02/12	APRIL 2012-WATER BILL DONA	462.00
				TOTAL:	462.00
NON-DEPARTMENTAL	DRUG & ALCOHOL ABU	INTERNAL REVENUE SERVICE	5/04/12	FEDERAL WITHHOLDING	305.41
			5/04/12	MEDICARE WITHHOLDING	29.90
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	37.16
		JUNCTION CITY POLICE	5/04/12	JCPOA	20.00
		KANSAS DEPT OF REVENUE	5/04/12	STATE WITHHOLDING	112.39
		KANSAS PUBLIC EMPLOYEES	5/04/12	KP&F	146.94
				TOTAL:	651.80
DRUG & ALCOHOL ABUSE	DRUG & ALCOHOL ABU	INTERNAL REVENUE SERVICE	5/04/12	MEDICARE WITHHOLDING	29.90
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	148.66
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	10.20
		KANSAS PUBLIC EMPLOYEES	5/04/12	KP&F	347.21
				TOTAL:	535.97
NON-DEPARTMENTAL	SPECIAL LE TRUST F	INTERNAL REVENUE SERVICE	5/04/12	FEDERAL WITHHOLDING	33.57
			5/04/12	SOCIAL SECURITY WITHHOLDIN	21.59
			5/04/12	MEDICARE WITHHOLDING	7.45
		ING LIFE INSURANCE & ANNUITY COMPANY	5/04/12	ING	25.00
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	18.58
		KANSAS DEPT OF REVENUE	5/04/12	STATE WITHHOLDING	13.61
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	21.85
		FLEXIBLE SPENDING ACCOUNT #41807030	5/04/12	FIRST STATE BANK	8.34
				TOTAL:	149.99
SPECIAL LAW ENFORCEMEN	SPECIAL LE TRUST F	INTERNAL REVENUE SERVICE	5/04/12	SOCIAL SECURITY WITHHOLDIN	31.86
			5/04/12	MEDICARE WITHHOLDING	7.45
		BLUE CROSS BLUE SHIELD OF KS	5/04/12	BLUE CROSS BLUE SHIELD	74.33
		VERIZON WIRELESS	5/07/12	2733861724 DTF PHONE SERVI	56.03
			5/02/12	DTF CELL APRIL 2012	183.30
		GEARY COUNTY PUBLIC WORKS	5/02/12	DTF FUEL MARCH 2012	934.57
		ADVANCE LIFE INSURANCE	5/04/12	ADVANCE LIFE INUSRANCE	3.85
		KANSAS PUBLIC EMPLOYEES	5/04/12	KPERS #1	40.09
		ADVANCED GRAPHIX INC	5/07/12	185556 LETTERING UNIT 222	100.00

DEPARTMENT	FUND	VENDOR NAME	DATE	DESCRIPTION	AMOUNT
		NEX-TECH	4/25/12	DRUG TASK FORCE	5.72
				TOTAL:	1,437.20
LAW ENFORCEMENT TRAIN	LAW ENFORCEMENT TR	ELIEL BORGES	5/07/12	TOLL FEES-JCCC TRAINING #	5.00
				TOTAL:	5.00
DARE	LAW ENFORCEMENT TR	SCREEN MACHINE SPORTS	5/07/12	18270 D.A.R.E. SHIRTS	155.10
				TOTAL:	155.10

===== FUND TOTALS =====		
01	GENERAL FUND	411,495.19
02	GRANTS	8,285.05
10	SPIN CITY	4,927.30
12	BOND & INTEREST	108,683.02
15	WATER & SEWER FUND	337,616.82
18	STORM WATER	85,369.02
19	ECONOMIC DEVELOPMENT	40.07
22	SPECIAL HIGHWAY FUND	49.59
23	SANITATION FUND	120,276.52
35	EMPLOYEE BENEFITS FUND	3,893.92
46	SUNDOWN SALUTE	462.00
47	DRUG & ALCOHOL ABUSE FUND	1,187.77
50	SPECIAL LE TRUST FUND	1,587.19
54	LAW ENFORCEMENT TRAINING	160.10
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	GRAND TOTAL:	1,084,033.56
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TOTAL PAGES: 15

## SELECTION CRITERIA

## SELECTION OPTIONS

VENDOR SET:	01-CITY OF JUNCTION CITY, KS
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	All
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	9,999,999.00CR THRU 9,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	4/24/2012 THRU 5/07/2012

## PAYROLL SELECTION

PAYROLL EXPENSES: NO

CHECK DATE: 0/00/0000 THRU 99/99/9999

## PRINT OPTIONS

```
PRINT DATE:      GL Post Date
SEQUENCE:        By Department
DESCRIPTION:     Distribution
GL ACCTS:        NO
REPORT TITLE:    APPROPRIATIONS- APR 24-MAY 7 2012-CS
SIGNATURE LINES: 0
```

## PACKET OPTIONS

INCLUDE REFUNDS: YES

INCLUDE OPEN ITEM:NO

**Backup material for agenda item:**

- b. Consideration of the May 1, 2012 City Commission Meeting Minutes & 4-30-2012 Special City Commission Meeting Minutes.

## **CITY COMMISSION MINUTES**

May 1, 2012

6:00p.m.

### **PUBLIC WORKS UPDATE**

Commissioner Sands asked why costs would double in the second year of operations by the City. Assistant City Manager McCaffery stated that the second year would be for an entire twelve months instead of the remainder of this year. Commissioner Sands asked about the quality of the available equipment. Assistant City Manager McCaffery stated that some of the equipment is OK, and some is not. Commissioner Johnson asked if there would be additional recreation staff. Assistant City Manager McCaffery stated that the parks staff would be moving to Public Works. Commissioner Johnson asked if mowing would still be contracted since there will be additional staff. Assistant City Manager McCaffery stated that the positions moving would be building maintenance, but staff can be cross trained. Commissioner Johnson stated that this seems like a large risk to save \$250,000. Assistant City Manager McCaffery stated that there are long term savings due to improved maintenance. Mayor Landes asked if fuel price increases are projected in the budget. Assistant City Manager McCaffery stated that fuel increases are added, but catastrophic increases would present problems everywhere. Mayor Landes asked where the savings are at. Assistant City Manager McCaffery stated that there would be \$250,000 in savings, and also the City would be investing in Public works assets that would have value. Commissioner Johnson stated that the Veolia contract is a bad contract, and additional clear figures need to be provided. Commissioner Asks stated that the \$500,000 spent for capital improvements needs to be separated out. Commissioner Johnson stated that he has not received one e-mail that the City should be running sanitation. City Manager Vernon stated that there will be a contract for consideration at the next Commission meeting. (Exhibit A)

### **CALL TO ORDER**

The regular meeting of the Junction City Commission was held on Tuesday, May 1, 2012 with Mayor Pat Landes presiding.

The following members of the Commission were present: Cecil Aska, Scott Johnson, Pat Landes, Jim Sands, and Jack Taylor. Staff present was: City Manager Vernon, City Attorney Logan, and City Clerk Tyler Ficken.

### **PUBLIC COMMENT**

Bob Spitari stated that there needs to be a savings with the Veolia takeover. He does not want to see more debt with the public works takeover.

Hines Wallace claimed that the sign ordinance is not being enforced uniformly, and that Commissioners are getting special treatment. He stated that realtors are putting up signs anywhere; it needs to be done the correct way. Planning & Zoning Administrator Yearout stated that the billboard that Mr. Wallace is particularly concerned about is located in the county, and is permitted. Mr. Wallace states that there are signs next to the road.

John Stewart of 1026 W. Spruce stated that he is concerned about the public works takeover, and the operation will move back and forth based upon who is in charge. Mr. Stewart stated that the City should not be in the sanitation business. Mr. Stewart stated that the City needs a policy on road cuts to keep the roads from falling apart.

Alan Rothlesberger stated that it is typical for the government to overestimate savings and underestimate costs. Mr. Rothlesberger asked why the City would want to assume more debt.

## **CONSENT AGENDA**

Consideration of Appropriation Ordinance A-9 dated April 10<sup>th</sup>-April 23<sup>rd</sup> 2012 in the amount of \$363,159.32. Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of the April 17, 2012 City Commission Meeting Minutes. Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of the 2012 Justice assistance Grant (JAG) application. Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

## **SPECIAL PRESENTATIONS**

Peace Officers' Memorial Day and Police Week Proclamation presented by Mayor Landes. Mayor Landes read and presented the proclamation to Chief Brown.

City Attorney Presentation Ethics: State Law and City Ethics Policy. City Attorney Logan made a presentation on ethics. Commissioner Taylor asked how an ethics complaint is filed. City Attorney Logan stated that the County Attorney or State Attorney General would prosecute. City attorney Logan asked that the Commission consider changes to the City's ethics policy.

## **PUBLIC HEARINGS**

A public hearing to consider condemnation of property at 630 W. 10<sup>th</sup> St and approval of Resolution R-2674. Mayor Landes opened the public hearing. Patti Schoenrock stated that the owner of this property lives out of state; the owner is asking for an extension to receive repair quotes. Mayor Landes asked why this has not already occurred. Mrs. Schoenrock stated that there was an investor that backed out on the project, and hospitalization of family members has complicated the process. Commissioner Johnson stated that the property looks rough, and he is not sure the property is worth fixing. Commissioner Taylor asked what would ideally be done with the property. Mrs. Schoenrock stated that the owner would meet the requirements and ultimately sell the property. Commissioner Taylor asked how much time is needed. Mrs. Schoenrock stated that she is willing to help this family, but she will not be working with contractors for repairs. Commissioner Sands stated that he would like a plan in 30 days. Mrs. Schoenrock stated that the owner thought the bulldozer would be out the next day. Mrs. Schoenrock stated that a report could be provided in 30 days. Mayor Landes closed the public hearing.

A public hearing to consider condemnation of property at 117 E. 3<sup>rd</sup> St. and approval of Resolution R-2675. Mayor Landes opened the Public hearing. Mayor Landes asked if this building is a functioning church. Senior Inspector Karmann stated that it has not been used for 5 years. Senior Inspector Karmann stated that he would research the property to determine if it is listed as a historic building on the state registry. Mayor Landes closed the public hearing.

A public hearing to consider condemnation of property at 1309 Johnson Dr. and approval of Resolution R-2676. Mayor Landes opened the public hearing. With no comments, Mayor Landes closed the public hearing. Commissioner Sands moved, seconded by Commissioner Aska to approve R-2676. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

A public hearing to consider condemnation of property at 712 W. 10<sup>th</sup> St. and approval of Resolution R-2677. Mayor Landes opened the public hearing. With no comments, Mayor Landes closed the public hearing. Commissioner Aska moved, seconded by Commissioner Johnson to approve Resolution R-2677. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

A public hearing to consider condemnation of property at 331 W. 8<sup>th</sup> St. and approval of Resolution R-2678. . Mayor Landes opened the public hearing. With no comments, Mayor Landes closed the public hearing. Commissioner Taylor moved, seconded by Commissioner Johnson to approve Resolution R-2678. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

## **APPOINTMENTS**



Consideration of appointment to the Board of Trustees of the Dorothy Bramlage Public Library. Commissioner Aska moved, seconded by Commissioner Sands to approve the appointment of Marvin Hornbostel to the Board of Trustees of the Dorothy Bramlage Public Library. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of two appointments to the EDC Board: (1) Joint City/County appointment, and (2) a City appointment. Commissioner Taylor moved, seconded by Commissioner Johnson to reappoint Gery Schoenrock as the Joint City/County appointment to the EDC Board. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried. Commissioner Sands moved, seconded by Commissioner Aska to reappoint Ty Arneson to the EDC Board. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Edenspace approval to Board of Directors. Commissioner Aska moved, seconded by Commissioner Sands to approve the slate of directors as proposed. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

## **NEW BUSINESS**

Consideration of Ordinance S-3106 approving Dick Edwards Auto Plaza TIF Plan. City Attorney Logan presenting (First Reading). City Attorney Logan stated that at the public hearing regarding the TIF held on April 30, 2012, a discussion regarding a \$11.4 million taxable base occurred; that number is what is included in the proposed ordinance. City Attorney Logan stated that the changes made to the ordinance have been reviewed by the counsel of Mr. Edwards. Mayor Landes asked if the lot for sale of vehicles is being removed from the TIF. City Attorney Logan stated that the customer parking area will remain within the TIF but the not the area used for the sale of cars. Commissioner Johnson moved, seconded by Commissioner Sands to approve Ordinance S-3016 on first reading. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of approval of the Final Plat of the Chestington Addition, a replat of Blocks 4 & 5, Schnell's Addition, to the City of Junction City, KS. Planning & Zoning Director Yearout presenting. Commissioner Sands moved, seconded by Commissioner Johnson to approve the Final Plat as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion Carried. City Attorney Logan stated that the agreement regarding commercial real estate development should be reviewed by the Commission prior to approval of the Final Plat. Commissioner Johnson moved, seconded by Commission Sands to rescind approval of the Final Plat. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried. Commissioner Taylor moved, seconded by Commissioner Aska to table the item. Ayes: Aska. Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Ordinance G-1112 to renew a franchise agreement with Westar Energy for use of City right-of-ways. Finance Director Beatty presenting (First Reading). Commissioner Taylor asked why the tax is set at 5%. Finance Director Beatty stated that 5% is the recommendation of the League of Kansas Municipalities, and it is politically acceptable. Commissioner Johnson stated that costs should be cut, and franchise fees should be removed. Commissioner Aska moved, seconded by Commissioner Sands to approve Ordinance G-1112 on first reading. Ayes: Aska, Johnson, Landes, Sands, Taylor, Nays: none. Motion carried.

### **COMMISSIONER COMMENTS**

Commissioner Taylor thanked those who worked to clean up the City on Earth Day. Congratulation to Ty Zimmerman on his position as co-captain on the K-State football team.

Commissioner Johnson stated that he is glad the Dick Edwards TIF was approved.

Commissioner Aska wanted to remind people that the Mud Bog is this weekend, Run for the Wall is May 20<sup>th</sup>, Relay for Life is scheduled for May 25<sup>th</sup> to the 26<sup>th</sup>, he will be attending a Hog Rally from May 31 to June 2<sup>nd</sup>, and the Bi-Plane event will occur on June 1<sup>st</sup> and 2<sup>nd</sup>.

Commissioner Sands stated that he is looking for every opportunity to have taxes cut. Commissioner Sands stated that he would like to thank the BOSS soldiers for their help in the community. Commissioner Sands stated that he would like to additionally thank the NCOs that helped the man who passed out while driving who were recognized at the last meeting. Commissioner Sands stated that he is glad that recycling is up and Ft. Riley takes 1-7 recyclables.

Mayor Landes stated that the Friday Night Walk with Patsy Cline was fantastic, and people need to go; the Pennell Days was also great. Mayor Landes stated that there is work to do in the area of public works other than just taking it over.

### **STAFF COMMENTS**

Assistant City Manager McCaffery stated that the 2011 paving program is beginning, so please avoid North Franklin, North Jefferson, and St. Mary's.

City Manager Vernon stated that at the roundtable discussion last year the community provided their opinion, and 72% are dissatisfied with the current public works operation. Commissioner Sands stated that he would like to see the proposed payroll for the public works operation.

### **ADJOURNMENT**

Commissioner Sands moved, seconded by Commissioner Aska to adjourn at 9:00 p.m. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

APPROVED AND ACCEPTED THIS 15th DAY OF MAY AS THE OFFICIAL COPY OF THE JUNCTION CITY COMMISSION MINUTES FOR MAY 1, 2012.

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Tyler Ficken, City Clerk

Pat Landes, Mayor

# **City of Junction City Public Works Assumption**

## **I. Overview (Page 2)**

**Current Contract Operations  
Future Department of Public Works Operations  
Budget Changes**

## **II. Department of Public Works Staffing (Page 3)**

**Organizational Charts (Page 4-7)  
New Director  
Position/ Staffing Recruitment  
Wages & Benefits  
Schedule**

## **III. Equipment and Fixed Assets Summary (Page 8)**

**Existing City Owned Equipment  
Veolia Water Owned Equipment  
NEW Equipment Purchase  
Future Budget Projections (Capital Improvement Plan)**

## **IV. Contract Amendment (Page 9)**

**Public Works Transition Agreement  
Contract Amendment**

## **V. Budgets Summary (Page 10)**

**2012 (final six months) and 2013 Budgets (Draft)  
Street Fund  
Water Fund  
Wastewater Fund  
Sanitation Fund  
Storm Water Fund  
Building Maintenance Fund**

## **VI. Department Programs and Activities (Page 11-12) Overview**

## City of Junction City Overview

### Contract Operations

	Veolia Water	City of Junction City	
		Current	Future
Major Operational Areas	Current	Future	
Water Treatment Plant	XXX	XXX	
Wastewater Treatment Plant (East)	XXX	XXX	
Wastewater Treatment Plant (SW )	XXX	XXX	
Sanitation	XXX		XXX
Water Distribution	XXX		XXX
Sanitary Sewer Collection	XXX		XXX
Building Maintenance	XXX		XXX
Street Operations & Maintenance	XXX		XXX
Traffic Control	XXX		XXX

**City of Junction City  
Department of Public Works**

**II. Department of Public Works Staffing**

**Organizational Charts  
(handouts)**

**New Director  
(overview)**

**Position/ Staffing/ Recruitment  
27 full time / 4 seasonal positions**

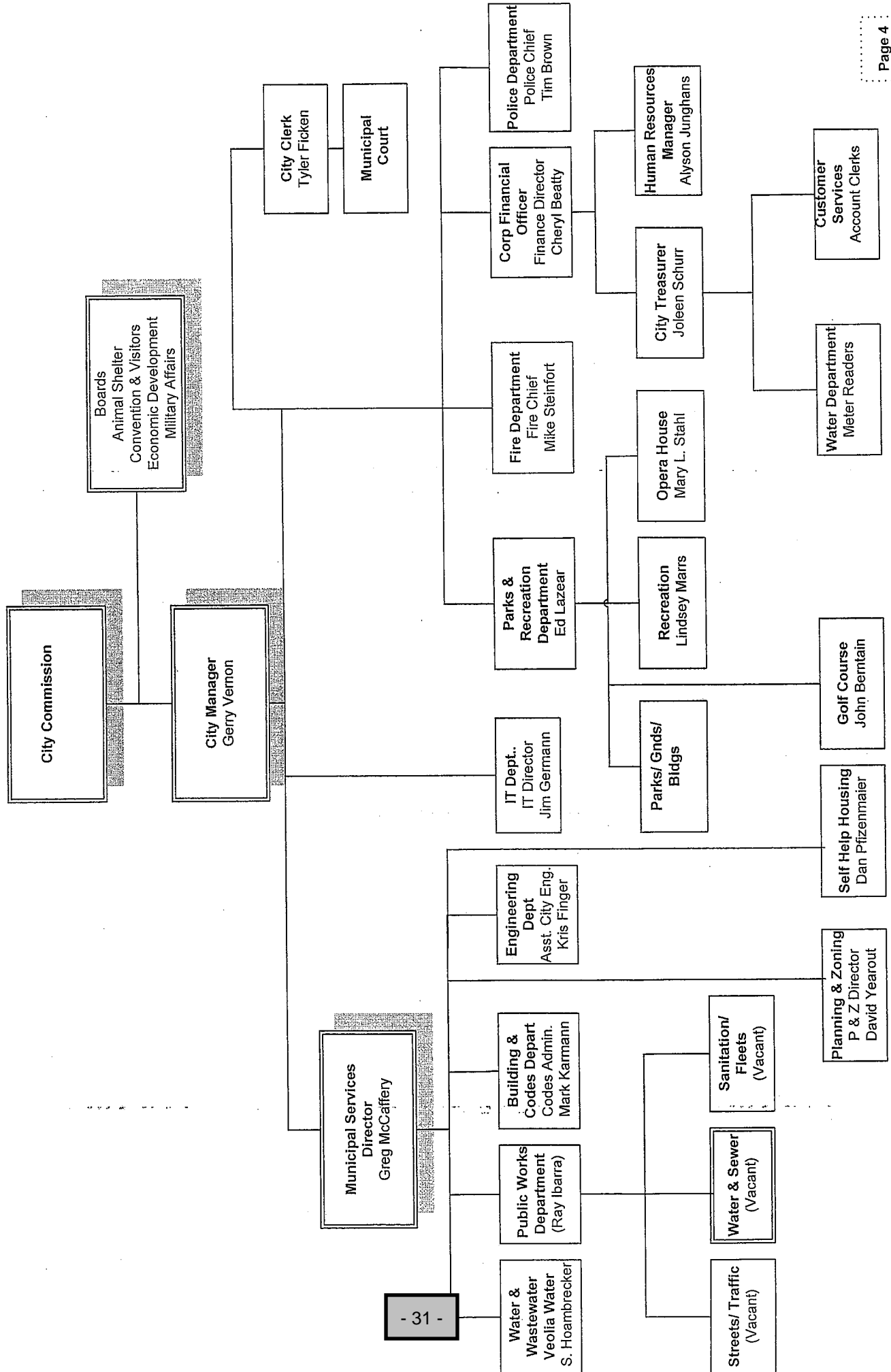
**Wages & Benefits  
Survey  
Former City Employees  
City Benefits**

**Schedule**

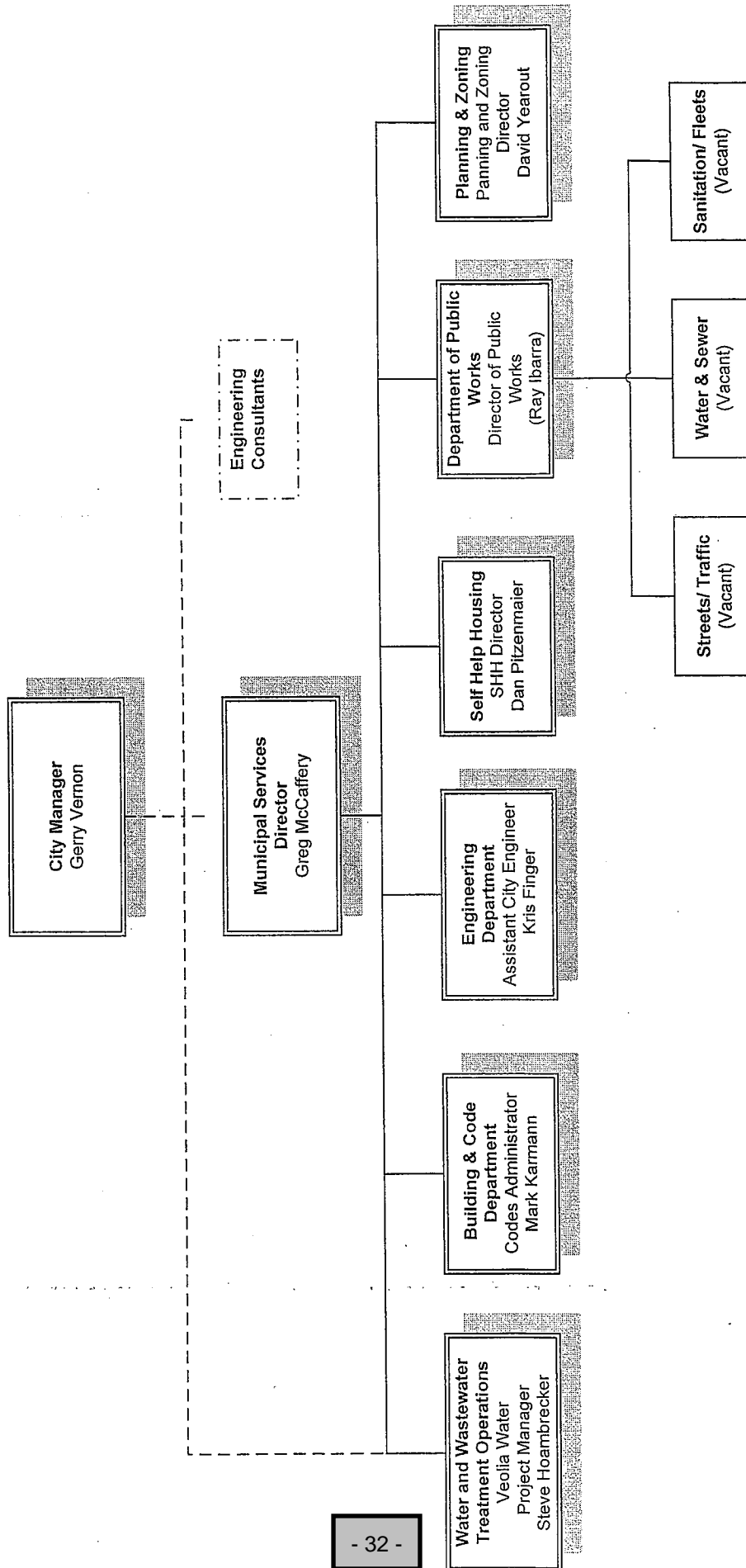
<b>Management Staff</b>	<b>5/15/12</b>
<b>All Staffing Positions</b>	<b>5/31/12</b>
<b>Start Date</b>	<b>6/23/12</b>

# City of Junction City

April 2012



**City of Junction City  
Organizational Chart  
Public Works/ Development/ Operations**  
April 2012

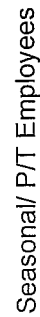




(1) Director  
(2) Clerical  
(2) Supervisors  
(1) Foreman/ Driver  
(1) Traffic Tech  
(3) Sanitation Drivers  
(7) Maint. Wk I

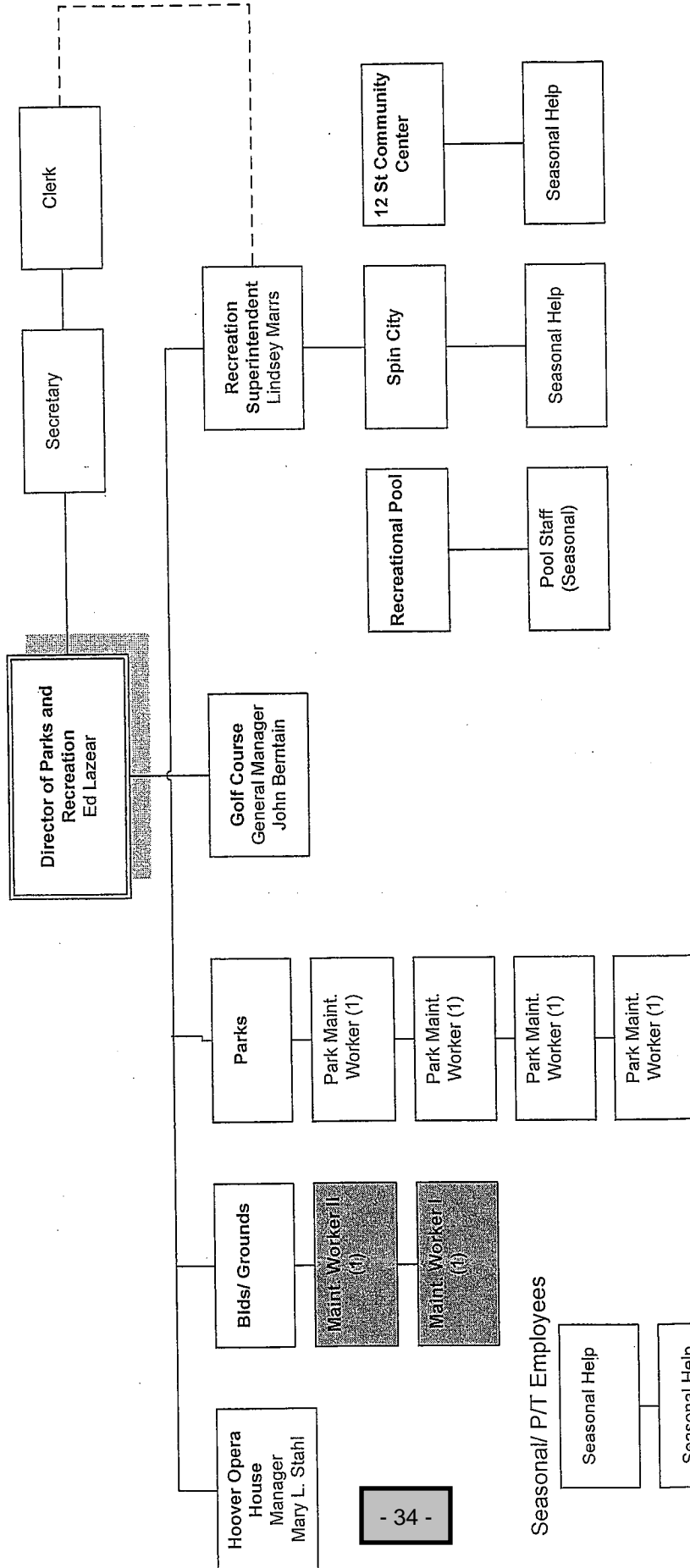
## Veolia Water Staffing 28

- 33 -



**City of Junction City**  
**Parks and Recreation**  
**Department**  
 April 2012

(1) Director  
 (2) Clerical  
 (1) Superintendent  
 (1) Maint. Wk II  
 (1) Maint. Wk I  
 (1) Manager  
 (1) Golf Manager  
 (4) Park Maint. Worker  
**Total 14**



City of Junction City  
Department of Public Works

**III. Equipment and Fixed Assets Summary**

**City Versus Veolia Owned**

**Inventory Overview**

**Lease Purchase**

**Current Contracts**

**(Ex. Mission System – Lift Stations)**

**NEW Equipment Purchase**

***Cartigraph* Public Works System**

**WorkDirector Program**

**Fleet Maintenance Software**

**Two (2) One-Ton Dump Trucks**

**Small Tools (ex. Power washer, etc.)**

**Capital Improvement Plan**

**Schedule for Equipment Replacements**

**Optimization of Equipment Use**

**City of Junction City  
Department of Public Works**

**IV. Contract Amendment**

**Transition Agreement for Public Works**  
*(major items overview)*

**Summary of Services  
Equipment and Fixed Assets Summary  
Employment of Personnel**

**Amended & Restated Agreement for Services**  
*(major items overview)*

**WTP, WWTP (East), and WWTP (SW)  
Preventative Maintenance Clause  
Shared Equipment  
Compensation (monthly)  
Chemical Use Clause  
Utilities Rates  
Insurance  
Contract for Services 2019  
Annual Fee Adjustment Method**

**Schedule  
City Commission June 5<sup>th</sup> for Approval**

# City of Junction City

## Budget Summary

Major Operational Areas	Veolia Water		City of Junction City	
			Department of Public Works	
	Current	Future	*Current	*Future
	1/31 to 12/31	6/23 to 12/31	1/13 to 12/13	6/23 to 12/31
				1/13 to 12/31

### TREATMENT

Water Treatment Fund	\$ 1,500,000	\$ 571,848	\$ 1,166,570	
Wastewater Treatment Fund	\$ 2,138,378	\$ 870,810	\$ 1,776,452	
Treatment Subtotal	\$ 3,638,378	\$ 1,442,658	\$ 2,943,022	

PUBLIC WORKS OPERATIONS				
Street Fund	\$ 1,750,000		\$ 760,557	\$ 1,360,719
Water Distribution Fund	\$ 429,315		\$ 297,876	\$ 529,384
Wastewater Collection Fund	\$ 438,123		\$ 255,743	\$ 455,806
Sanitation Fund	\$ 1,376,638		\$ 714,672	\$ 1,337,262
Storm Water Fund	\$ 37,000		\$ 38,000	\$ 51,800
Building Maintenance Fund				\$ 56,000
Public Works Subtotal	\$ 4,031,076		\$ 2,066,848	\$ 3,790,971

Total \$ 7,669,454 \$ 1,442,658 \$ 2,943,022 \$ 2,066,848 \$ 3,790,971

\*Lease Purchase on Vehicles, Assets, etc.  
Over 5 years at 4.5% Interest - Approx. \$1.3 Millions \$ 340,000 \$ 340,000

**City of Junction City  
Department of Public Works**

**Summary of Programs and Activities**

**1. Streets**

- a. Inventory of System (Maintenance by City vs. County/ KDOT)
- b. Street Maintenance Programs and Activities (Joint & Crack Filling, etc.)
- c. Sweeping Program, PAVER (Pavement Management System, Cartigrapah (Work Orders, Programs, Activities inventory)
- d. Bridge Inventory (for inspections/ future maintenance)
- e. Road Side Mowing Contracts
- f. Tree USA program
- g. Street Repair/ Maintenance Programs (Crack Filling, Pothole Batching Program)
- h. Engineering (500K in minor Street Repairs Budget)
- i. KDOT Projects (Signalization, Intersection Improvements, etc.)
- j. Engineering Standards & Specifications (Development of these)
- k. Snow Plowing Program – Status/ Update
- l. Inventory of Equipment for Street Maintenance
- m. Signage/ Striping Program on Streets, Inventory of
- n. Traffic Signal System
- o. Street Lighting System/ Inventory Programs
- p. Street Striping/ Marking

**2. Fleet Maintenance**

- a. Inventory of Rolling Equipment
- b. Staffing/ Positions
- c. Rolling Equipment Assessment
- d. Summary of Types of Repairs/ Activities
- e. Software System for Maintenance Activates (Historical Data, Summary, Reports, etc.)

**3. Utility Operations**

- a. Sanitary Collection System (Lift Stations/ Collection System)
  - 1. Inventory of System (Lift Stations types, prone problem areas, etc.)
  - 2. Summary of Equipment
  - 3. Lift Station Schedule of Maintenance Activities
  - 4. Rolling Equipment (Vactor Jets)
  - 5. Capital Improvement Program (Master Plan)
  - 6. Design Standards
- b. Water Distribution System
  - 1. Valves/ Hydrants out of service inventory (summary)
  - 2. Water Taps/ Meters Capital Improvement Program
  - 3. Water Storage Tanks Maintenance
  - 4. Spruce Street Pumping Station (Capital Improvements)
  - 5. Low Pressure Areas
  - 6. Capital Improvement Program (Master Plan/ Fire Dept.)

- c. Storm Water
  - 1. Master Plan (Development of)
  - 2. MS4 Permit
  - 3. Outfall Inspections

**4. Buildings/ Grounds/ Facilities**

- a. Schedule of activities/ programs
- b. Routine Maintenance Schedule
- c. Capital Improvement Program
- d. Contractual Work (ex. City Hall cleaning, etc.)
- e. Combining with Building/ Grounds/ Facilities into one Area

**5. Airport (Freeman Field)**

- a. Routine Maintenance Schedule
- b. Airport Advisory Board

**6. Sanitation Operations**

- a. Solid Waste Special Pick-up Program
- b. County Drop-off Site
- c. Budget Review/ Operations of Program
- d. Staffing/ Equipment
- e. Fall Leaf and Spring Pick-up Program
- f. Re-cycling Program Start-up/ Development

**7. Traffic**

- a. Street Striping/ Marking
- b. Street Lighting Inventory/ Program
- c. Signage Program (Cartigraph)

## **SPECIAL CITY COMMISSION MEETING MINUTES**

April 30, 2012

4:00p.m.

### **4:00 P.M. CALL TO ORDER**

A public hearing to consider the Dick Edwards TIF project. Commissioner Sands moved, seconded by Commissioner Aska to reconvene the public hearing on the Dick Edwards TIF District. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.. Ken Shortman asked if the TIF is necessary at the expense of the taxpayers. Mr. Shortman states that if taxes get higher he will need to turn his home keys in. Mr. Shortman stated that he will need to shop in other communities to save money because of the sales tax. Mayor Landes stated that this project does not result in City or County tax increases. Commissioner Johnson stated that he fought these types of projects in the past, but this is a good project; Commissioner Johnson stated that concerns about annexation are completely separate from this decision; Mr. Edwards is going to be spending a lot of his own money, and that is a good thing. Mr. Shortman stated that he feels this is a highly apathetic community. Finance Director Beatty stated that the full faith and credit of the City will not be on the line for these bonds. Alan Rothlesberger stated that this would be a good project for the City. Ben Kitchens stated that EDC approval of this item was unanimous. Gerald Gerloff stated that this is a good project, and the City is not just giving away dollars. Planning & Zoning Administrator Yearout stated that the collected funds will be used for infrastructure improvements, and not simply a tax break. Mayor Landes closed the public hearing.

City Attorney Logan provided updated information to the Commission. Financial Advisor White stated that the City needs to determine the amount of incentive necessary to make the development happen without over incentivizing. Theron Froggate stated that while the current operation makes \$20 million in gross sales, taxable sales are only \$11 million. Mr. Froggate stated that sales could be higher than projected which would pay the bonds off early, or a percentage over the payment could be collected by the City and County. City Attorney Logan stated that the development agreement would allow for a 10% cushion for the projected cost numbers. Mr. Edwards stated that if the project does not work here, then he could move to Manhattan where the sales tax is lower. Commissioner Johnson stated that he does not believe it is the government's place to fine tune Mr. Edward's business. City Attorney Logan stated that provided the conversation, she would work on an agreement that can be considered for the May 1, 2012 City Commission meeting.

### **ADJOURNMENT**

Commissioner Sands moved, seconded by Commissioner Aska to adjourn at 5:15 p.m. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.



APPROVED AND ACCEPTED THIS 15th DAY OF MAY AS THE OFFICIAL  
COPY OF THE JUNCTION CITY COMMISSION MINUTES FOR April 30, 2012.

---

Tyler Ficken, City Clerk

Pat Landes, Mayor

**Backup material for agenda item:**

- c. The consideration and approval of the noise waiver, street and parking lot closure and barricades, use of electricity and the selling of food and beer for Jammin' in JC Blues and BBQ Festival from September 27 to September 30, 2012 in Heritage Park

# City of Junction City

## City Commission

### Agenda Memo

May 1, 2012

**From:** Tim Brown, Chief of Police  
**To:** Gerry Vernon, City Manager  
**Subject:** Street closing request for Jammin' in JC Blues and BBQ Festival

*Handwritten: 10/26/12 050712*

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**Objective:** The Jammin' in JC Blues and BBQ Festival Committee requests the closure of streets and parking lot, use of barricades, noise waiver, use of electricity and the selling of food and beer in Heritage Park for the Jammin' in JC Blues and BBQ Festival.

**Explanation of Issue:** The Jammin' in JC Committee is hosting a Blues and BBQ Festival in Heritage Park from September 27 to September 30, 2012.

Request is made to close the following streets from 1:00 am on September 27 through 3:00 am on September 30, 2012:

- 1) 100 Block of West Fifth Street
- 2) 100 Block of West Sixth Street
- 3) Parking lot located to the west of Kites.
- 4) Possible closure of 500 Block North Jefferson Street

**Noise Waiver:**

Live music will be played from 5:00 pm to 10:00 pm on September 28 and from 12:00 pm to 10:00 pm on September 29.

**Electricity:**

Jammin' in JC will use the same power boxes which are used by Sundown Salute. The same electrician, Dave's Electric will be used. Two generators will be brought in for the stage, lights and sound. Three professional vendors and three Junction City civic groups will be using the electricity in the park for the selling of food and drinks.

**Budget Impact:** There is no impact on the budget.

**Alternatives:** The Commission may approve, deny, or postpone the event.

**Special Considerations:** There are no special considerations.

**Recommendation:** Staff recommends approval of the closure of streets and parking lot, use of barricades, noise waiver, use of electricity and the selling of food and beer in Heritage Park for the Jammin' in JC Blues and BBQ Festival.

**Suggested Motion:**

Move to approve the closure of streets and parking lot, use of barricades, noise waiver, use of electricity and the selling of food and beer in Heritage Park for the Jammin' in JC Blues and BBQ Festival

**Enclosures:** Jammin' in JC Blues and BBQ Festival Committee memo

April 24, 2012

To: City Commission  
City of Junction City  
Junction City, KS 66441

Thru: Chief Tim Brown  
Junction City Police Dept

From: Jammin' in JC Blues and BBQ Festival Committee

Request the closure of streets and parking lot, use of barricades, noise waiver, use of electricity and the selling of food and beer in Heritage Park for the Jammin' in JC Blues and BBQ Festival.

#### **NOISE WAIVER**

Request a noise waiver for the Heritage Park area from Sept. 27, 2012 to Sept. 30, 2012. Live music will be played from 5:00 pm to 10:00 pm on Sept. 28 and from 12:00 pm to 10:00 pm on Sept. 29. Equipment set up and tear down will take place at other times, though within the time frame requested.

#### **STREET and PARKING LOT CLOSURE and BARRICADES**

Sept. 27 to Sept. 30: 100 Block of W. 5<sup>th</sup> St.

Need six barricades. Three barricades need to be placed at the intersection of 5<sup>th</sup> and Washington St. and three barricades need to be placed at 5<sup>th</sup> and Jefferson St. Barricades will be placed in the street between 1:00 am and 3 am on Sept. 27. Barricades will be removed between 12:01 am and 3:00 am on Sept. 30. Staff from Jammin' in JC will place and remove barricades. Barricades can be dropped off at the corner areas for placement.

Sept. 27 to Sept. 30: 100 Block of W. 6<sup>th</sup> Street.

Need eight barricades. Four barricades need to be placed at the intersection of 6<sup>th</sup> and Washington St. and four barricades need to be placed at 6<sup>th</sup> and Jefferson St. Barricades will be placed in the street between 1:00 am and 3 am on Sept. 27. Barricades will be removed between 12:01 am and 3:00 am on Sept. 30.

Staff from Jammin' in JC will place and remove barricades. Barricades can be dropped off at the corner areas for placement.

Sept. 27 to Sept. 30: Closure of parking lot located to the west of Kites. Need four barricades dropped off to the west of Kites for the closure of the city parking lot. This lot will be used for move in/out and equipment.

### **ELECTRICITY**

Request the use of electricity in Heritage Park. We will be using the same power boxes which are used by Sundown Salute. We are using the same electric company, Dave's Electric.

Jammin' in JC will be bringing in two generators for the stage, lights and sound. Three professional vendors and three Junction City civic groups will be using the electricity in the park for the selling of food and drinks.

It might be requested at a further time to have the 500 Block of N. Jefferson St. closed. This will be due to having an increased number of BBQ entries.

**Backup material for agenda item:**

- d. Consideration and Approval of Award of Bid for Sanitary Lift Stations Emergency Generator Connections

# City of Junction City

## City Commission

### Agenda Memo

May 15, 2012

**From:** Gregory S. McCaffery, Municipal Services Director  
**To:** City Commission and Gerry Vernon, City Manager  
**Subject:** **Award of Bid – Sanitary Lift Station - Emergency Generator Connections**

---

**Objective:** The consideration and approval of the award of bid to Dave's Electric for the Sanitary Lift Station – Emergency Generator Connection Project.

**Explanation of Issue:** The City has budgeted funding for various capital improvements within the Water and Wastewater Fund Budgets. One of these projects is the installation and completion of standardized and in some cases emergency connection and disconnects within the twenty-one sanitary sewer lift stations maintained by the City through Veolia Water public works operations.

The project will provide the means for standardized electrical hook-ups in the event of power loss to each of the sanitary lift stations through the use of a generator unit. This project will also involve the completion of re-vamping an existing generator within the public works group to be used for this purpose.

The City staff advertised this project for bid within The Daily Union, and further placed the advertisement and specifications on the City's website. Bids were received by the City Clerk on May 1, 2012, with only one bid being submitted, by Dave's Electric of Maple Hill, KS, in the amount of \$40,373.00. An engineer's estimate of the project was \$55,000. Dave's Electric has been the City's general electrical contractor for the last 5 years, currently under contract for miscellaneous electrical work on street lighting, and other electrical service work. Further, they are familiar with the various sanitary sewer lift stations within the City and provided prior service work as several of them in the past.

<b>Bidder</b>	<b>Bid Amount</b>	<b>Engineer's Estimate</b>
Dave' Electric (Junction City, KS	40,373.00	55,000.00

A bid tab and contract specifications outlining the scope of the program. City staff has reviewed this bid and recommends proceeding with the program at this time given above. Should the City Commission approve the award of bid it is anticipated the work would be completed within the next 60 days.

**Budget Impact:** Funding for this project is available within the Wastewater Fund

**Alternatives:** The City Commission may approve, modify, table or deny the bid/ contract request



**Special Considerations:** The City staff has received no comments from the public on this item.

**Recommendation:** Staff recommends approval of the award of bid for the Sanitary Lift Station – Emergency Generator Connection Project in an amount not to exceed \$40,373.00 to Dave's Electric, Junction City, KS.

**Suggested Motion:** Move to approve the award of bid with to Dave's Electric, Junction City, KS, with an amount not to exceed \$40,373.00 as presented.

**Enclosures:** Sanitary Lift Station – Emergency Generator Connection Project  
- Bid Tabulation  
Sanitary Lift Station – Emergency Generator Connection Project -  
Specifications

**Bid:** Emergency Generator Connections for Sanitary Lift Stations

**Date:** 5/1/2012

**Time:** 10:00 AM

**Department:** Engineering

No.	Direct Solicited	Bidder	Local Vendor Preference	Bid Bond	Performance and Material Bond	Addendum	Signed Bid	Bid Amount	*Bid Rank
1		Dave's Electric	XX		XX	XX	XX	\$ 40,373.00	1
2									
3									
4									
5									
6									
7									
8									
9									
10									

**JUNCTION CITY, KANSAS**  
**EMERGENCY GENERATOR CONNECTIONS**  
**FOR**  
**VARIOUS SANITARY LIFT STATIONS**  
**BID FORM**

*CC  
May 15th  
Award.*

TO THE HONORABLE MAYOR AND CITY COMMISSION, CITY OF JUNCTION CITY, KANSAS.

THE UNDERSIGNED BIDDER, having familiarized themselves with the work required by the Contract Documents, the sites where the work is to be performed, local labor conditions and all the laws, regulations, and other factors affecting performance of the work and having satisfied themselves of the expenses and difficulties attending performance of the work,

HEREBY PROPOSES and agrees to furnish all the materials, labor, equipment, supplies, supervision, transportation, and other accessory items of work necessary for the emergency generator connections, in accordance with the terms of this contract contained herein as outlined:

LIFT STATION	ADDRESS	Unit Bid
Portable Generator	DPW Yard	\$2,559
Footlocker	3302 S. US Highway 77	\$2,556
Highland Drive	1507 Highland Drive	\$2,556
Candlelight Drive	1456 Candlelight Lane	\$2,556
Elmdale (Northwind)	1935 Northwind Drive	\$2,037
Hoover Road	100 Hoover Road	\$2,037
Mobile Traveler	2317 N. Jackson St.	\$2,556

40 US 77	Gateway Court	\$2,037
Goldenbelt Blvd.	1001 Goldenbelt Blvd.	\$809
East Street	630 East Street	\$2,556
East Chestnut St.	400 East Chestnut St.	\$2,556
Grant Ave (Regency)	948 Grant Ave.	\$2,556
East Ash	100 blk E. Ash	\$2,037

**Continued**

LIFT STATION	ADDRESS	Unit Bid
Faith Tabernacle	Rucker Rd	\$809
Doc Hargraves #2	Brooke Bend	\$809
Doc Hargraves #5	Nicole	\$809
Olivia Farms	2700 Fort Ave.	\$809
Olivia Farms	2500 Wilma Way	\$809
Village at Freedom Place	Fuller Circle	\$2,037
Osprey Ct.	2330 Osprey Ct.	\$2,037
Jaeger Dr.	2550 Jaeger Drive	\$2,037
Michael's Run	Caroline Ct.	\$809

**Total Bid**

\$40,373	Dollars	Cents	00
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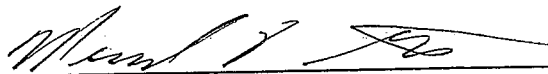
**NOTE: Sales Tax is not included in the bid price. Dave Stover**

The Undersigned acknowledges receipt of the following addenda:

No. \_\_\_\_\_ Dated \_\_\_\_\_

No. \_\_\_\_\_ Dated \_\_\_\_\_

Signed this 30 day of \_\_\_\_\_ April \_\_\_\_\_, 2012.



Signature

Date

May 1 2012

Name of Officer	Michael D. Stover
Company Name	Dave's Electric Inc
Address	909 S Washington. Junction City, Ks 66441
Phone Number(s)	Off 785-210-1404 Cell 785-210

**CITY OF JUNCTION CITY  
JUNCTION CITY, KANSAS**

**REQUEST FOR BID (RFB)  
EMERGENCY GENERATOR CONNECTIONS  
FOR  
VARIOUS SANITARY LIFT STATIONS**

**OVERVIEW**

The City of Junction City (City) is soliciting bids for the installation of various electrical equipment to be installed at twenty-one (21) sanitary lift stations, to be use towards generator hook-up and disconnect of emergency portal power.

The bid package shall be submitted in a sealed envelope labeled "Emergency Generator Connections for Sanitary Lift Stations" in the center and the name of the company submitting the bid clearly identified in the upper left hand corner on or before **10:00 A.M. local time, May 1, 2012**. The bid package shall be delivered to the Junction City Hall, City Clerk's Office, located at 700 N. Jefferson, Junction City, Kansas 66441. Questions concerning this solicitation shall be directed to Greg McCaffery, P.E., Assistant City Manager, (785)-238-3103 or email [greg.mccaffery@jcks.com](mailto:greg.mccaffery@jcks.com).

For specific instructions on information to include in the bid, refer to the section entitled *Scope of Work*. Evaluation of the Bids and ultimate selection is identified in the section entitled *Selection of Bid* below. The bid forms and specifications may be picked up at the City Clerk's Office between the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday. All bids shall remain open for thirty (30) days after the day of Bid Opening, but Owner may in their sole discretion, release any Bid.

**PROJECT DESCRIPTION**

The purpose of the project is to provide emergency connection and disconnections for electrical power in a uniform format to twenty-one (21) sanitary sewer lift stations via a portal generator, which are apart of the overall sanitary system owned and operated by the City. A summary of the various sanitary lift stations are included as part of the bid proposal under *Appendix A*.

## SCOPE OF WORK

The Scope of Work will include, at a minimum, the following elements:

### Permits

1. Each lift station electrical work shall obtain a non-fee permit through the City of Junction City Building and Codes Department
2. Contractor for the work shall be licensed with the City of Junction City

Before submitting a Bid, each Bidder must (a) examine these contract documents thoroughly; (b) must familiarize themselves with local conditions that may in any manner affect performance of the work; (c) familiarize themselves with Federal, State, and local laws, ordinances, rules and regulations affecting performance of the work; and (d) carefully correlate their observations with the requirements on the bid documents.

### Workmanship

1. All work shall be per code requirements
2. Work shall include all materials, labor and equipment to complete the work.

### Electrical Work

1. *Appendix B* outlines the various items of major work required for each sanitary lift station. This work shall include all materials, labor, equipment needed to furnish and install the needed electrical work in order to complete the work.
2. All lift stations shall be checked, and rewired as needed, the phasing to match the portable generator hook-up.
3. Each installation shall be manually checked for a complete start-up through the use of the City's stand-by generator, which hook-up shall be completed as part of the items of work.
4. All rack assemblies shall be constructed of steel, with shop drawings being submitted to the City for approval prior to the construction of the item of work.
5. Shop drawings shall be submitted for all items of work, and shall be reviewed and approved by the City prior to the start of the items of work.]
6. Sewer Lift Station Cord and Cord End for Generator Connections. Work shall consist of furnishing 200 feet of #2-4 conductor power cord for the connection of the generator to the station receptacles. Furnish the power cord end for the connection to the lift stations. Connect the cord to the generator after the generator is mounted to the trailer unit (*City will have the trailer unit and generator assembly ready for use for this part of the work*) and Phase the generator and cord connection to match the lift stations. These items of work shall be bid under *Portable Generator* item, as one bid.



## **INSPECTION OF SITES**

The City's lift stations are a part of the City's sanitary sewer system. This system is operated by Veolia Water. In order to assist in one's bid proposal, review of the various lift stations and/ or a tour of the facilities one may contact Steve Hoambrecker, Project Manager, Veolia Water, at Veolia Water North America, 2324 N. Jackson St., Junction City, KS, 66441, Phone 785-238-7142, and he will make arrangements for these tours/ system reviews.

## **LOCAL VENDER PREFERENCE**

The City has in place through our Fiscal Policy, a Local Vendor Preference clause which provides for a 3% differential on bids received from local businesses (See Appendix C). This preference will be acknowledged as part of the bid tabulations.

## **CONTRACT SECURITY**

The contractor shall be required to provide a two (2) performance bond per the City standards for the electrical work completed providing contract surety for the value of the work completed.

## **KANSAS SALES TAX EXEMPTION**

This project shall be governed by the State of Kansas sales tax for provisions for items of work. Prior to order items of work the successful contractor shall ensure a certificate for this has been issued.

## **INSURANCE**

1. The Contractor shall secure and maintain insurance throughout the duration of this contract of such types and in such amounts as may be necessary to protect themselves and the interest of the Owner against all hazards or risks of loss and hereinafter specified. The form and limits of such insurance, together with the underwriter thereof in each case, shall be approved by the Owner but regardless of such approval it shall be the responsibility of the Contractor to maintain adequate insurance coverage at all times. Failure of the Contractor to maintain adequate coverage shall not relieve him of any contractual responsibility or obligation.
2. Workmen Compensation and Employer's Liability. This insurance shall protect the Contractor against all claims under applicable state workmen compensation laws. The Contractor shall also be protected against claims for injury, disease, or death of employees which, for any reason, may not fall within the provisions of a workmen compensation law. This policy shall include an "all states" endorsement.

The liability limits shall not be less than the following:

Workmen Compensation Statutory	Employer's Liability	\$100,000
--------------------------------	----------------------	-----------

In case any class of employees engaged in hazardous work under this contract at the site of the project is not protected under Workmen Compensation statute, the Contractor shall provide, and shall cause each subcontractor to provide adequate and suitable

insurance for the protection of their employees not otherwise protected.

3. Comprehensive Automobile Liability. This insurance shall be written in comprehensive form and shall protect the Contractor against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles licensed for highway use, whether they are owned, non-owned, or hired.

The liability limits shall not be less than the following:

Bodily Injury	\$500,000 combined single limit
Property Damage	\$100,000 each occurrence

4. Comprehensive General Liability. This insurance shall be written in comprehensive form and shall protect the Contractor against any claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the Contractor or their agents, employees, or subcontractors.

**JUNCTION CITY, KANSAS  
EMERGENCY GENERATOR CONNECTIONS  
FOR  
VARIOUS SANITARY LIFT STATIONS  
BID FORM**

TO THE HONORABLE MAYOR AND CITY COMMISSION, CITY OF JUNCTION CITY, KANSAS.

THE UNDERSIGNED BIDDER, having familiarized themselves with the work required by the Contract Documents, the sites where the work is to be performed, local labor conditions and all the laws, regulations, and other factors affecting performance of the work and having satisfied themselves of the expenses and difficulties attending performance of the work,

HEREBY PROPOSES and agrees to furnish all the materials, labor, equipment, supplies, supervision, transportation, and other accessory items of work necessary for the emergency generator connections, in accordance with the terms of this contract contained herein as outlined:

LIFT STATION	ADDRESS	Unit Bid
Portable Generator	DPW Yard	
Footlocker	3302 S. US Highway 77	
Highland Drive	1507 Highland Drive	
Candlelight Drive	1456 Candlelight Lane	
Elmdale (Northwind)	1935 Northwind Drive	
Hoover Road	100 Hoover Road	
Mobile Traveler	2317 N. Jackson St.	
40 US 77	Gateway Court	
Goldenbelt Blvd.	1001 Goldenbelt Blvd.	
East Street	630 East Street	
East Chestnut St.	400 East Chestnut St.	
Grant Ave (Regency)	948 Grant Ave.	
East Ash	100 blk E. Ash	

**Continued**

LIFT STATION	ADDRESS	Unit Bid
Faith Tabernacle	Rucker Rd	
Doc Hargraves #2	Brooke Bend	
Doc Hargraves #5	Nicole	
Olivia Farms	2700 Fort Ave.	
Olivia Farms	2500 Wilma Way	
Village at Freedom Place	Fuller Circle	
Osprey Ct.	2330 Osprey Ct.	
Jaeger Dr.	2550 Jaeger Drive	
Michael's Run	Caroline Ct.	

**Total Bid**

--	--

Dollars

Cents

The Undersigned acknowledges receipt of the following addenda:

No. \_\_\_\_\_ Dated \_\_\_\_\_

No. \_\_\_\_\_ Dated \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Signature

Date \_\_\_\_\_

Name of Officer \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

## **SELECTION AND PROJECT SCHEDULE**

The City's project schedule for bid selection, subject to change, is as follows:

Advertise for Bids	April 25, 2012
Deadline for Submittal of Bids	May 1, 2012
Selection of Firm (City Commission Award)	May 15, 2012
Notify Selected Firm	May 18, 2012
Execution of Agreement	May 23, 2012
Completion of Generator Electrical	August 23, 2012

## **TERMS AND CONDITIONS**

The City of Junction City reserves the right to reject any and all Bids and to award or not award a contract for contract services. This solicitation for Bids does not obligate the City of Junction City to pay any costs incurred by respondents in the preparation and submission of a Bid. This solicitation does not obligate the City of Junction City to accept or contract for any expressed or implied services.

NO.	LIFT STATION	ADDRESS	MOTOR (HP)	NO. OF PUMPS	PUMP TYPE	PUMP CAPACITY (GPM)	TOTAL DYNAMIC HEAD (FT.)	WET WELL CAPACITY (GAL)	POWER SOURCE	ALARM (TYPE)	BACK- UP POWER	NOTES install, condition, type of construction, etc.)	(Yr of
1	Footlocker	3302 S. US Highway 77	3	2	Enclosed	100 @ 45'	45'	1,880	230/3 PH	Mission	NA	7/14/1978; SL	
2	Highland Drive	1507 Highland Drive	2	2	Enclosed	100 @ 58'	58'	1,762	230/3 PH	Mission	NA	3/13/1984; SL	
3	Candlelight Drive	1456 Candlelight Lane	3	2	Enclosed	100 @ 58'	58'	1,880	230/3 PH	Mission	NA	SL	
4	Elmdale (Northwind)	1935 Northwind Drive	3	2	Enclosed	100 @ 32'	32'	1,880	230/3 PH	Mission	NA	SL	
5	Hoover Road	100 Hoover Road	10	2	Enclosed	450 @ 40'	40'	5,737	230/3 PH	Mission	NA	SL	
6	Mobile Traveler	2317 N. Jackson St.	3	2	Enclosed	100 @ 15'	15'	1,410	230/3 PH	Mission	NA	8/15/1977; SL	
7	40 US 77	Gateway Court	3	2	Enclosed	100 @ 18'	18'	1,344	208/3 PH	Mission	NA	SL	
8	Goldenbelt Blvd.	1001 Goldenbelt Blvd.	5	2	Enclosed	100 @ 47'	4'	1,130	230/3 PH	Mission	NA	SL	
9	East Street	630 East Street	5	2	Enclosed	100 @ 25'	25'	1,880	230/3 PH	Mission	NA	Date shipped 9-30-94; HFE	
10	East Chestnut St.	400 East Chestnut St.	3	2	Enclosed	100 @ 25'	25'	2,350	240/3 PH	Mission	NA	SL	
11	Grant Ave (Regency)	948 Grant Ave.	1.5	2	Enclosed	NA	NA	1,410	230/3 PH	Mission	NA	SL	
12	East Ash	100 blk E. Ash	2	2	Vortec	100 @ 19'	19'	2,937	208/3 PH	Mission	NA	Date shipped 3-13-06; HFE	
13	Faith Tabernacle	Rucker Rd	10	2	Xpeller	156 @ 77'	77'	1,920	208/3 PH	Mission	NA	SL; Transfer	
14	Doc Hargraves #2	Brooke Bend	5	2	Enclosed	125 @ 58'	58'	2,056	208/3 PH	Mission	NA	Date shipped 5-30-06; HFE; Transfer	
15	Doc Hargraves #5	Nicole	15	2	Enclosed	155 @ 108'	108'	2,056	208/3 PH	Mission	NA	Date shipped 3-9-07; HFE; Transfer	
16	Olivia Farms	2700 Fort Ave.	7.5	2	Enclosed	78 @ 53'	53'	2,350	208/3 PH	Mission	NA	Date shipped 9-14-07; HFE; Transfer & Plug-in connector	
17	Olivia Farms	2500 Wilma Way	25	2	Enclosed	367 @ 117'	11'	3,384	208/3 PH	Mission	NA	Date shipped 9-14-07; HFE; Transfer	
18	Wallage at Freedom Place	Fuller Circle	1.5	2	Enclosed	170 @ 15'	15'	2,203	230/3 PH	Mission	NA	SL	
19	Sprey Ct.	2330 Sprey Ct.	3	2	Enclosed	78 @ 30'	30'	2,937	230/3 PH	Mission	NA	SL	
20	Jaeger Dr.	2550 Jaeger Drive	5	2	Enclosed	78 @ 44'	44'	2,937	230/3 PH	Mission	NA	SL	
21	Michael's Run	Caroline Ct.	5	2	Vortec	100 @ 58'	58'	4,230	208/3 PH	Mission	NA	Date shipped 11-7-07; HFE; Transfer	

Appendix B

NO.	LIFT STATION	ADDRESS	*100 AMP 3 PHASE OUTLET	**TRANSFER SWITCH	***RACK ASSEMBLY	****REWIRE PHASING
1	Footlocker	3302 S. US Highway 77	XX	XX	XX	XX
2	Highland Drive	1507 Highland Drive	XX	XX	XX	XX
3	Candlelight Drive	1456 Candlelight Lane	XX	XX	XX	XX
4	Elmdale (Northwind)	1935 Northwind Drive	XX	XX		XX
5	Hoover Road	100 Hoover Road	XX	XX		XX
6	Mobile Traveler	2317 N. Jackson St.	XX	XX	XX	XX
7	40 US 77	Gateway Court	XX	XX		XX
8	Goldenbelt Blvd.	1001 Goldenbelt Blvd.	XX			XX
9	East Street	630 East Street	XX	XX	XX	XX
10	East Chestnut St.	400 East Chestnut St.	XX	XX	XX	XX
11	Grant Ave (Regency)	948 Grant Ave.	XX	XX	XX	XX
12	East Ash	100 blk E. Ash	XX	XX		XX
13	Faith Tabernacle	Rucker Rd	XX			XX
14	Doc Hargraves #2	Brooke Bend	XX			XX
15	Doc Hargraves #5	Nicole	XX			XX
16	Olivia Farms	2700 Fort Ave.	XX			XX
17	Olivia Farms	2500 Wilma Way	XX			XX
18	Village at Freedom Place	Fuller Circle	XX	XX		XX
	prey Ct.	2330 Osprey Ct.	XX	XX		XX
	eger Dr.	2550 Jaeger Drive	XX	XX		XX
	chael's Run	Caroline Ct.	XX			XX

\* 100 AMP - Furnish and install a 100 amp 3 phase pin and sleeve outlet for connection to the generator

\*\* Furnish and install a 100 AMP 3 phase nema 3r non fused manual transfer switch

\*\*\* Furnish and install a new rack assembly for installation of the new equipment.

\*\*\*\* Check and rewire the lift station phasing to match the portable generator hookup

**Backup material for agenda item:**

- e. Consideration and Award of Bid for (4) Replacement Garage Doors at Fire Station I.



# City of Junction City

## City Commission

### Agenda Memo

5/3/12

From: Mike Steinfert, Fire Chief  
To: Gerry Vernon, City Manager  
Subject: Garage Door Replacement Bid Approval

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**Objective: Approval of bid to replace four (4) garage doors at Fire Station 1.**

**Explanation of Issue:** Fire Department staff solicited bids for replacement of the three (3) front apparatus bay doors and one (1) rear apparatus bay door at Fire Station 1. The present doors have become a safety hazard due to their age and lack of safety devices. Last year we had an incident where a door that was all the way up came crashing to the closed position narrowly missing an employee that was closing the door. It did break out several panes of glass and damaged the door. The present doors are very energy inefficient as they have no insulation and poor sealing around the edges. The replacement doors will contain the latest insulation and sealing technology. The staff is also concerned as to how the new doors will look on the building. We are recommending a door color (almond) that will blend well with the limestone facing of the building. Approval of this request will provide a safer work environment for our employees plus a savings in utility costs for years to come.

**Budget Impact:** The staff requested bids from five different vendors. Two vendors submitted bids on the project. The two bids have been reviewed by staff and we are recommending accepting the bid of \$11,460.20 from The Garage Door Place, Inc. The bid was reviewed by staff and all specifications have been met by the vendor. Due to budget constraints in 2011 this item was delayed until the 2012 budget year. This item was approved in the 2012 budget at \$13,500 in the Fire Equipment Reserve fund.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve bid
2. Disapprove bid
3. Modify the proposal...
4. Table the request.

**Recommendation:** Staff recommends acceptance of the bid from Garage Door Place, Inc in the amount of \$11,460.20.

**Enclosures: bid tabulation**

Bid: Garage Doors

Date: 4-20-2012

Time: 11:00 AM

Department: Fire Department

No.	Direct Solicited	Bidder	Local Vendor Preference	Bid Bond	Performance and Material Bond	Addendum	Signed Bid	Bid Amount	*Bid Rank
1	X	Garage Door Place						11,460.20	1
2	X	Hardwood Door to Window						13,639.54	2
3									
4									
5									
6									
7									
8									
9									
10									

\*As Read Only

**Backup material for agenda item:**

- a. Mayor Landes to present Recovery Month Proclamation to Pawnee Mental Health Services.



## MENTAL HEALTH MONTH PROCLAMATION

***"Hope is Waiting... Help is Here"***

*Celebrate Hope and Healing*

**Whereas**, mental health is essential to everyone's overall physical health and emotional well-being and vital for success in one's personal life, at school and at work; and

**Whereas**, mental illness will strike nearly one in four adults and one in five children in a given year; and

**Whereas**, an estimated two-thirds of adults and youth who have mental health disorders are not receiving the help they need; and

**Whereas**, mental health problems are as treatable as other health problems, and people who have mental illnesses can recover and lead full, productive lives; and

**Whereas**, the cost of untreated mental illnesses is over \$100 billion annually to American families, businesses, and governments; and

**Whereas**, community based services that respond to individual and family mental health needs are cost-effective and beneficial to the community; and

**Whereas**, Mental Health America, the National Council for Community Behavioral Healthcare and their national partners, including Pawnee Mental Health Services and this city, observe Mental Health Month every May to raise awareness and understanding of mental illness and mental health.

**Therefore**, I, Pat Landes, the Mayor of the city of Junction City, do hereby proclaim **MAY 2012** as **MENTAL HEALTH MONTH** in the city of Junction City and call upon the citizens, government agencies, public and private institutions, businesses and schools in the city of Junction City to recognize the importance of mental health, and to commit our community to increasing awareness and understanding of mental health and the need for appropriate and accessible services for all people.

---

Mayor

**Backup material for agenda item:**

- b. Emergency Medical Services Week Proclamation presented by Mayor Landes.

## **EMS Week Proclamation**

*To designate the Week of May 20-26, 2012, as Emergency Medical Services Week*

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, *I Pat Landes, Mayor, City of Junction City, Kansas in recognition of this event do hereby proclaim the week of May 20-26, 2012, as*

### **EMERGENCY MEDICAL SERVICES WEEK**

*I encourage the community to observe this week with appropriate programs, ceremonies and activities.*

Pat Landes, Mayor

**Backup material for agenda item:**

- c. Introduction and Reading of a Official Proclamation Claiming National Public Works Week in the City of Junction City, May 20-26, 2012

# **City of Junction City**

## **City Commission**

### **Agenda Memo**

May 15, 2012

**From:** Gregory S. McCaffery, Municipal Services Director  
**To:** City Commission and Gerry Vernon, City Manager  
**Subject: Proclamation - National Public Works Week in the City of Junction City, May 20-26, 2012**

---

**Objective: Proclamation – National Public Works Week, in the City of Junction City, May 20-26, 2012**

**Explanation of Issue:** Since 1960, American Public Works Association (APWA) has sponsored National Public Works Week. Across the nation, APWA's more than 28,000 members will use this week to energize and educate the public on the importance of the contribution of public works to their daily lives: planning, building, managing and operating the heart of our local communities and building the quality of life.

APWA has selected "Public Works: Creating a Lasting Impression" as its theme for 2012's National Public Works Week, will be celebrated May 20-26, 2012 throughout the United States.

The theme speaks to the never-ending effort of public works professionals to use sustainable solutions to bring their communities the highest possible quality of life within a framework of environmental, social, and economic responsibility.

In keeping with the City of Junction City's desire to recognize our men and women within the areas of public works it is requested that the enclosed City of Junction City Proclamation be read, the Mayor to sign, and the official seal of the City be affixed to the proclamation and displayed within the front lobby of City Hall along with the official poster of the American Public Works Association National Public Works Week, thereby acknowledging National Public Works Week in City of Junction City May 20-26, 2012.

**Enclosures:** Proclamation – National Public Works Week, May 20-26, 2012



***CITY OF JUNCTION CITY***  
***PROCLAMATION***  
***NATIONAL PUBLIC WORKS WEEK***

***Whereas***, public works services provided in our community are an integral part of our citizens' everyday lives; and

***Whereas***, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

***Whereas***, the health, safety and comfort of this community greatly depends on these facilities and services; and

***Whereas***, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

***Whereas***, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

***Now***, therefore, I, Pat Landes Mayor of the City of Junction City do hereby proclaim the week of May 20<sup>th</sup> 2012

**“National Public Works Week”**

in ***The City of Junction City***

***And*** call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and Seal of the City of Junction City, State of Kansas, this 15<sup>th</sup> Day of May, 2012.

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Pat Landes  
Mayor

**Backup material for agenda item:**

- a. Consideration of Ordinance S-3016 approving Dick Edwards Auto Plaza TIF Plan. City Attorney Logan presenting (Final Reading).

Gilmore & Bell, P.C.  
Draft 05/07/2012

(Published in *The Daily Union* on \_\_\_\_\_, 2012 and \_\_\_\_\_, 2012)

RESOLUTION NO. 5-7-12

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GEARY COUNTY, KANSAS PLEDGING REVENUES TO THE PAYMENT OF DEBT SERVICE ON THE TAX INCREMENT REVENUE BONDS, IF ISSUED BY THE CITY OF JUNCTION CITY, KANSAS TO FINANCE CERTAIN REDEVELOPMENT PROJECT COSTS WITHIN A REDEVELOPMENT DISTRICT CREATED BY THE CITY; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO (DICK EDWARDS AUTO PLAZA PROJECT).**

**WHEREAS**, Geary County, Kansas (the "County") is a political subdivision, duly created, organized and existing under the constitution and laws of the State of Kansas; and

**WHEREAS**, the City of Junction City, Kansas (the "City") is a city of the first class organized and existing under the constitution and laws of the State of Kansas; and

**WHEREAS**, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the City has established a redevelopment district for the Dick Edwards Auto Plaza project (the "Redevelopment District") by passage of Ordinance No. S-3026 on September 30, 2008, as amended by Ordinance No. S-3103 passed on February 21, 2012; and

**WHEREAS**, pursuant to Ordinance No. S-3106 passed May 7, 2012, the City has approved a redevelopment project plan known as the "Dick Edwards Auto Plaza Project Plan" for the redevelopment of a Project Area within the Redevelopment District (the "Project Area"), subject to the following conditions

1. The Developer, Richard L. Edwards, the City and the County will enter into a Development Agreement no later than June 1, 2012, on terms which are mutually satisfactory, which will include the following terms:

a. The acquisition of approximately 12 acres of land at the intersection of Goldenbelt Boulevard and US Highway 77, and the development by the Developer of two (2) approximately 10,000 square foot auto dealership buildings, an approximately 25,000 square foot auto repair and maintenance facility, and private and adjacent public improvements necessary to service such facilities (the "Project");

b. An agreement that the Project will serve as a new vehicle dealership for Ford/Lincoln, Kia and Chrysler/Dodge/Ram/Jeep brand lines;

c. Taxes captured to reimburse TIF eligible expenses shall consist of the following:

(i) Real Property Taxes. Incremental real property taxes captured in the Redevelopment District as provided by KSA 12-1775;

(ii) City Sales Taxes. Incremental City sales tax receipts generated in the Project Area equal to:

A. That portion (as indicated on the attached Schedule I) of one (1%) percent of any taxable retail sales in any calendar year above a taxable retail sales

base of \$11,400,000 in calendar years commencing 2013, where both the calculation of the amount of taxable retail sales and the \$11,400,000 base retail sales figure take into account taxable retail sales generated at both the current Dick Edwards Grant Avenue auto dealership facility and at the Project; and

B. One (1%) percent of all other taxable retail sales within the Project Area.

(iii) County Sales Taxes. Incremental County sales tax receipts generated in the Project Area equal to:

A. That portion (as indicated on the attached Schedule I) of one (1%) percent of any taxable retail sales in any calendar year above a taxable retail sales base of \$11,400,000 in calendar years commencing 2013, where both the calculation of the amount of taxable retail sales and the \$11,400,000 base retail sales figure take into account taxable retail sales generated at both the current Dick Edwards Grant Avenue auto dealership facility and at the Project; and

B. One (1%) percent of all other taxable retail sales within the Project Area.

d. The maximum term for the capture of the above taxes shall be the *earlier* of 20 years from the date of approval of the Project Plan, or the date that all TIF obligations have been paid in full.

e. The Developer's Grant Avenue facility will remain open as a quick lube, body shop and used car dealership (the "Continued Auto Facilities Use"). If the Continued Auto Facilities Use is terminated, and in any calendar year thereafter the appraised value for ad valorem property tax purposes of the Grant Avenue facility is lower than the appraised value in third calendar year prior to the calendar year in which the Continued Auto Facilities Use terminated (the "Valuation Reduction"), then the sales tax base of \$11,400,000 will be increased by the amount of the Valuation Reduction.

f. The maximum TIF eligible reimbursed costs are as follows:

Category	Not to exceed costs, except as specified
Land acquisition	\$750,000
Earthwork-storm sewer (+ up to 10% if actual exceeds estimate)	\$870,000
Goldenbelt improvements(+ up to 10% if actual exceeds estimate)	\$70,000
Water & sewer infrastructure(+ up to 10% if actual exceeds estimate)	\$300,000
On-site paving -- public parking areas only (+ up to 10% if actual exceeds estimate)	\$685,213
Engineering (+ up to 10% if actual exceeds estimate)	\$270,000
Contingency	\$120,000
Costs of Issuance, to extent allowed	\$250,000
Capitalized Interest	\$350,000
Total Maximum (no to exceed actual cost + up to 10% if actual exceeds estimate for categories specified above)	\$3,665,213

g. The Developer will make an investment of not less than \$7,000,000, of which \$800,000 represents costs for a private drive and on-site paving in the Project, to be funded from private equity and non-TIF financing, or a combination of same.

h. The Developer will report sales tax collections and remittances to the City and the County at the same frequency and in the same format reported to the State of Kansas for all sales tax remittances paid to the State of Kansas.

i. The Developer will report to the City and County not less than quarterly on employment levels at both the Grant Avenue site and in the Project Area.

j. The Developer will complete the Project by June 30, 2013.

k. Excess TIF revenues, if any, will be used for the early retirement of TIF obligations.

l. Such other provisions as may be required by the City, in its discretion.

2. On or before May 15, 2012, the Developer will furnish the City and the County with a commitment from Kansas State Bank to finance the Project, including the purchase of Tax Increment Financing Revenue Bonds to be issued by the City, in form and content satisfactory to the City and County, and including such sufficient detail as to permit advisors of the City and County to calculate the likely proceeds of such financing to be available for construction of the Project.

3. The Board of Commissioners of the County, by Resolution approved on or before May 15, 2012, will have approved the capture of a county sales tax of 1% to be pledged to the payment of TIF eligible expenses described herein, subject to the satisfaction of the other conditions provided therein; and

**WHEREAS**, the boundaries of the Project Area are depicted on the map attached hereto as *Exhibit A*; and

**WHEREAS**, the legal description of the Project Area is attached hereto as *Exhibit B*; and

**WHEREAS**, K.S.A. 12-197 authorizes the County to pledge the incremental County sales tax receipts as described above (collectively, the "County Sales Tax Increment") to the payment of special obligation bonds issued by the City under the Act (the "Tax Increment Bonds") to finance a portion of the costs of implementing the Dick Edwards Auto Plaza Project Plan; and

**WHEREAS**, the County has determined that it is necessary and desirable to pledge the County Sales Tax Increment to the payment of such Tax Increment Bonds, if issued by the City;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GEARY COUNTY, KANSAS:**

**Section 1. Pledge of County Sales Tax Increment.** The County hereby pledges the County Sales Tax Increment and all interest and earnings thereon and proceeds thereof (collectively, the "County Sales Tax Increment Revenues") to the payment of debt service on the Tax Increment Bonds, if issued by the City, and subject to the conditions set forth above and in Ordinance No. S-3106 of the City.

**Section 2. Transfer of County Sales Tax Increment Revenues.** Commencing with the month following the month in which the Tax Increment Bonds are issued, the County shall transfer, on or before the first day of each month, any County Sales Tax Increment Revenues to the City for deposit into a special fund

created by the City for the payment of principal of and interest on the Tax Increment Bonds. The moneys in such fund shall be administered and applied solely for the purposes and in the manner provided in the Act and any ordinance of the City authorizing the issuance of the Tax Increment Bonds.

**Section 3. Termination.** This pledge shall terminate on a date which is the earlier of (i) 20 years from the date of the City's approval of the Dick Edwards Auto Plaza Project Plan or (ii) the date the Tax Increment Bonds are fully repaid.

**Section 4. Further Authority.** The County shall, and the officers, employees and agents of the County are hereby authorized and directed to take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 5. Effective Date.** This resolution shall be published shall be published once a week for two consecutive weeks in the official County newspaper, and shall take effect sixty-one (61) days after final publication, unless a petition signed by a number of electors of the City equal to not less than five percent (5%) of the qualified electors of the County shall be filed in the office of the County election officer, demanding that this resolution be submitted to a vote of the electors, in which event this resolution shall take effect when approved by a majority of the electors voting at an election held for such purpose.

[BALANCE OF THIS PAGE LEFT BLANK INTENTIONALLY]

**PASSED** with at least a two-thirds (2/3) vote of the entire Board of County Commissioners of Geary County, Kansas on May 7, 2012.

[SEAL]



Attest:

*Rebecca Bossemeyer*  
Rebecca Bossemeyer, County Clerk

*Florence C. Whitebread*  
Florence Whitebread, Chairman

*R. Ben Bennett*  
R. Ben Bennett, Commissioner

*Larry Hicks*  
Larry Hicks, Commissioner

## Schedule I

**Amount of Permitted Capture of One (1) Percent Sales Tax on Taxable Sales Tax Base  
(Aggregate Tax Base of Grant Ave. and Goldenbelt Locations)**

Calendar Year	AMOUNT OF INCREMENT CAPTURED ON TAXABLE SALES TAX BASE OF:		
	0% of the First	100% of the Next	75% of Amounts Over
2013	11,400,000	3,600,000	15,000,000
2014	11,400,000	4,600,000	16,000,000
2015	11,400,000	5,600,000	17,000,000
2016	11,400,000	6,600,000	18,000,000
2017	11,400,000	7,600,000	19,000,000
2018	11,400,000	8,000,000	19,400,000
2019	11,400,000	8,350,000	19,750,000
2020	11,400,000	8,750,000	20,150,000
2021	11,400,000	9,150,000	20,550,000
2022	11,400,000	9,600,000	21,000,000
2023	11,400,000	10,000,000	21,400,000
2024	11,400,000	10,450,000	21,850,000
2025	11,400,000	10,850,000	22,250,000
2026	11,400,000	11,300,000	22,700,000
2027	11,400,000	11,750,000	23,150,000
2028	11,400,000	12,200,000	23,600,000
2029	11,400,000	12,700,000	24,100,000
2030	11,400,000	13,200,000	24,600,000
2031	11,400,000	13,650,000	25,050,000
2032	11,400,000	14,150,000	25,550,000



**Exhibit A -- Map of the Project Area**



Exhibit B ~ Legal Description of the Project Area

A08\_3806  
SEPTEMBER 19, 2011  
GOLDENBELT PLAZA TIFF DISTRICT

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 15 AND THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 5 EAST OF THE 6TH PRINCIPAL MERIDIAN, JUNCTION CITY, GEARY COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15;  
THENCE ON AN ASSUMED BEARING OF S 89°57'52" E A DISTANCE OF 314.46 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 77, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT BEING DESCRIBED;  
THENCE N 24°27'13" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 538.82 FEET TO THE CENTERLINE OF GOLDENBELT BOULEVARD;  
THENCE N 65°32'47" E ALONG SAID CENTERLINE, A DISTANCE OF 172.73 FEET;  
THENCE CONTINUING ALONG SAID CENTERLINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 574.15 FEET, A CHORD BEARING OF S 66°57'13" E, A CHORD DISTANCE OF 846.61 FEET, AND AN ARC LENGTH OF 951.97 FEET;  
THENCE S 19°27'13" E CONTINUING ALONG SAID CENTERLINE A DISTANCE OF 283.94 FEET;  
THENCE CONTINUING ALONG SAID CENTERLINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 574.15 FEET, A CHORD BEARING OF S 29°40'27" E, A CHORD DISTANCE OF 203.75 FEET, AN ARC LENGTH OF 204.84 FEET;  
THENCE S 57°36'40" W A DISTANCE OF 265.01 FEET;  
THENCE N 73°33'13" W ALONG THE NORTHERLY RIGHT-OF-WAY LINE AND EXTENSIONS THEREOF, A DISTANCE OF 567.38 FEET;  
THENCE N 00°00'53" E CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 123.55 FEET;  
THENCE N 89°57'52" W CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 108.05 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 77;  
THENCE N 24°27'13" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 78.99 FEET TO THE POINT OF BEGINNING.  
CONTAINS 663,932.91 SQUARE FEET OR 15.24 ACRES, MORE OR LESS.  
SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS NOW OF RECORD.  
END OF DESCRIPTION

BASIS OF BEARINGS:

THE BASIS OF BEARING ON THIS SURVEY IS AN ASSUMED BEARING OF N 89°43'17" E ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 12 SOUTH, RANGE 5 EAST, GEARY COUNTY, KANSAS.

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# City of Junction City

## City Commission

### Agenda Memo

May 15, 2012 Meeting Date

**From:** Katie Logan, City Attorney  
**To:** City Commission & Gerry Vernon, City Manager  
**Subject:** Dick Edwards Auto Plaza TIF Plan  
Second Reading Ordinance S-3106  
**Dated:** May 10, 2012

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#### Issue:

A final draft of Ordinance S-3106 [*prior draft was mistakenly designated as S-3016*], approving the Dick Edwards Auto Plaza TIF Plan is attached. Besides change in Ordinance Number, only change is to correct the total in the table of TIF Eligible Expenses.

The County Commission approved the use of 1% county sales tax to repay TIF Eligible Expenses per Resolution dated May 7, 2012, a copy of which is attached.

I received a call today from Ken Schmelzle, of Dick Edwards Ford, who requested that the date for satisfaction of the financing commitment be extended from May 15 to June 5, the date of the next commission meeting.

#### Possible Actions:

Motion to Amend Ordinance S-3016 and approve Ordinance S-3106 on second reading – requires 2/3 approval – 4 affirmative votes

Motion to table indefinitely – requires majority approval

Motion to table to date certain – requires majority approval

#### Enclosures:

Ordinance No. S-3106 – amended to extend date for receipt of financing commitment to June 5  
Geary County Resolution 5-7-12

(Hold publication until conditions are satisfied)

**ORDINANCE NO. S-3106**

**AN ORDINANCE APPROVING AND ADOPTING A REDEVELOPMENT PROJECT PLAN FOR THE DICK EDWARDS AUTO PLAZA PROJECT WITHIN THE BOUNDARIES OF THE DICK EDWARDS AUTO PLAZA REDEVELOPMENT DISTRICT IN THE CITY OF JUNCTION CITY, KANSAS (THE DICK EDWARDS AUTO PLAZA PROJECT)**

**WHEREAS**, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act") and Ordinance No. S-3026 of the City of Junction City, Kansas (the "City"), passed on September 30, 2008, as amended by Ordinance No. S-3103, passed on February 21, 2012, and in order to promote, stimulate and develop the general and economic welfare of the City, the governing body of the City has established the Dick Edwards Auto Plaza Redevelopment District ("Redevelopment District") in the City; and

**WHEREAS**, a redevelopment project plan known as "the Dick Edwards Auto Plaza Project Plan" has been proposed for a Project Area within the Dick Edwards Auto Plaza Redevelopment District ("Project Area "); and

**WHEREAS**, the boundaries of the Project Area are depicted on the map attached hereto as Exhibit A; and

**WHEREAS**, the legal description of the Project Area is attached hereto as Exhibit B; and

**WHEREAS**, a copy of the Dick Edwards Auto Plaza Project Plan, as amended, is on file with the City Clerk and has been delivered by the City Clerk to the Board of County Commissioners of Geary County, Kansas and to the Board of Education of Unified School District No. 475, Geary County, Kansas; and

**WHEREAS**, on December 8, 2011, the Junction City/Geary County Planning Commission reviewed the Dick Edwards Auto Plaza Project Plan and found and determined that it is consistent with the comprehensive plan for the development of the City of Junction City, Kansas; and

**WHEREAS**, pursuant to the Act and Resolution No. 2673 of the City, adopted on March 20, 2012, the City has declared its intention to consider the Dick Edwards Auto Plaza Project Plan for the Project Area and has provided for a public hearing to consider adoption of the Dick Edwards Auto Plaza Project Plan; and

**WHEREAS**, a public hearing was held on April 17, 2012, and adjourned to April 30, 2012, to consider adoption of the Dick Edwards Auto Plaza Project Plan, at which hearing all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS, AS FOLLOWS:**

**Section 1.** Pursuant to the Act, the Dick Edwards Auto Plaza Project Plan for the Project Area of the Dick Edwards Auto Plaza Redevelopment District as on file in the office of the City Clerk is hereby adopted and approved, subject to the following conditions:

1. The Developer, Richard L. Edwards, the City and the County will enter into a Development Agreement no later than June 1, 2012, on terms which are mutually satisfactory, which will include the following terms:

a. The acquisition of approximately 12 acres of land at the intersection of Goldenbelt Boulevard and US Highway 77, and the development by the Developer of two (2) approximately 10,000 square foot auto dealership buildings, an approximately 25,000 square foot auto repair and maintenance facility, and private and adjacent public improvements necessary to service such facilities (the "Project");

b. An agreement that the Project will serve as a new vehicle dealership for Ford/Lincoln, Kia and Chrysler/Dodge/Ram/Jeep brand lines;

c. Taxes captured to reimburse TIF eligible expenses shall consist of the following:

(i) Real Property Taxes. Incremental real property taxes captured in the Redevelopment District as provided by KSA 12-1775;

(ii) City Sales Taxes. Incremental City sales tax receipts generated in the Project Area equal to:

A. That portion (as indicated on the attached Schedule I) of one (1%) percent of any taxable retail sales in any calendar year above a taxable retail sales base of \$11,400,000 in calendar years commencing 2013, where both the calculation of the amount of taxable retail sales and the \$11,400,000 base retail sales figure take into account taxable retail sales generated at both the current Dick Edwards Grant Avenue auto dealership facility and at the Project; and

B. One (1%) percent of all other taxable retail sales within the Project Area.

(iii) County Sales Taxes. Incremental County sales tax receipts generated in the Project Area equal to:

A. That portion (as indicated on the attached Schedule I) of one (1%) percent of any taxable retail sales in any calendar year above a taxable retail sales base of \$11,400,000 in calendar years commencing 2013, where both the calculation of the amount of taxable retail sales and the \$11,400,000 base retail sales figure take into account taxable retail sales generated at both the current Dick Edwards Grant Avenue auto dealership facility and at

the Project;

B. One (1%) percent of all other taxable retail sales within the Project Area.

d. The maximum term for the capture of the above taxes shall be the *earlier* of 20 years from the date of approval of the Project Plan, or the date that all TIF obligations have been paid in full.

e. The Developer's Grant Avenue facility will remain open as a quick lube, body shop and used car dealership (the "Continued Auto Facilities Use"). If the Continued Auto Facilities Use is terminated, and in any calendar year thereafter the appraised value for ad valorem property tax purposes of the Grant Avenue facility is lower than the appraised value in third calendar year prior to the calendar year in which the Continued Auto Facilities Use terminated (the "Valuation Reduction"), then the sales tax base of \$11,400,000 will be increased by the amount of the Valuation Reduction.

f. The maximum TIF eligible reimbursed costs are as follows:

<b>TIF ELIGIBLE EXPENSES</b>	
<b>Category</b>	Not to exceed costs, except as specified
Land acquisition	\$750,000
Earthwork-storm sewer (+ up to 10% if actual exceeds estimate)	\$870,000
Goldenbelt improvements (+ up to 10% if actual exceeds estimate)	\$70,000
Water & sewer infrastructure (+ up to 10% if actual exceeds estimate)	\$300,000
On-site paving public parking areas only (+ up to 10% if actual exceeds estimate)	\$685,213
Engineering (+ up to 10% if actual exceeds estimate)	\$270,000
Contingency	\$120,000
Costs of Issuance, to extent allowed	\$250,000
Capitalized Interest	<u>\$350,000</u>
<b>Total Maximum Principal Bond Amount</b>	<b>\$3,665,213</b>

g. The Developer will make an investment of not less than \$7,800,000 in the Project, of which \$800,000 represents costs for a private drive and on-site paving, to be funded from private equity and non-TIF financing, or a combination of same.

h. The Developer will report sales tax collections and remittances to the City and the County at the same frequency and in the same format reported to the State of Kansas for all sales tax remittances paid to the State of Kansas.



i. The Developer will report to the City and County not less than quarterly on employment levels at both the Grant Avenue site and in the Project Area.

j. The Developer will complete the Project by June 30, 2013.

k. Excess TIF revenues, if any, will be used for the early retirement of TIF obligations.

l. Such other provisions as may be required by the City, in its discretion.

2. On or before **June 5**, 2012, the Developer will furnish the City and the County with a commitment from Kansas State Bank, or any other bank acceptable to the City, to finance the Project, including the purchase of Tax Increment Financing Revenue Bonds to be issued by the City, in form and content satisfactory the City and County, and including such sufficient detail as to permit advisors of the City and County to calculate the likely proceeds of such financing to be available for construction of the Project.

3. The Board of Commissioners of Geary County, Kansas, by Resolution approved on or before May 15, 2012, will have approved the capture of a county sales tax of 1% to be pledged to the payment of TIF eligible expenses described herein, subject to the satisfaction of the other conditions provided herein.

**Section 2.** This Ordinance shall not be published unless and until the above conditions have been satisfied. If the above conditions are not satisfied by June 6, 2012, this Ordinance shall not be effective, and shall be deemed revoked without further action on the part of the City Commission.

**Section 3.** In accordance with the Act, following publication of this Ordinance, the City Clerk is authorized and directed to send a copy of the description of the land within the Project Area, a copy of this Ordinance, and a map indicating the boundaries of Project Area to the County Clerk, County Assessor, County Treasurer and Board of County Commissioners of Junction City County, Kansas, and the Board of Education of Unified School District No. 475.

**Section 4.** The Mayor, City Manager, Finance Director, City Clerk, City Attorney and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage by the governing body of the City and publication once in the official City newspaper.

**PASSED** by no less than two-thirds of the members-elect of the Governing Body of the City of Junction City, Kansas on May 15, 2012.

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Pat Landes, Mayor

**ATTEST:**

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Tyler Ficken

**Backup material for agenda item:**

- b. Consideration of Ordinance G-1112 to renew a franchise agreement with Westar Energy for use of City right-of-ways. Finance Director Beatty presenting (Final Reading).

# Junction City Commission Agenda Memo

**Meeting Date:** May 1, 2012

**From:** Cheryl S. Beatty, Finance Director

**To:** City Commissioners and Gerry Vernon, City Manager

**Subject:** Electric Franchise with Westar Energy - Ordinance G-1112 on Final Reading

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**Objective:** Action on Ordinance G-1112 to renew our franchise agreement with Westar Energy for use of city right-of-ways.

**Explanation of Issue:** Since our last meeting Westar requested in Section 710.095(g) a change from 3 years to 4 years. We recommend the acceptance of this change and request the action to adopt the ordinance as now presented.

**Budget impact:** The Westar franchise fee is for use of city right-of-ways in the standard amount of 5% of their gross receipts. This is not an increase. The chart below gives you a three year history on the revenue generated for these fees for use of our city right-of-ways.

<u>Year</u>	<u>Amount Collected</u>
2009	\$ 943,417
2010	\$1,064,607
2011	\$1,115,810

**Alternatives:** The City Commission may approve, disapprove, modify, or table this ordinance.

**Recommendation:** Approval of Ordinance G-1112 as presented.

**Enclosures:** Ordinance No. G-1112

**ORDINANCE NO. G-1112**

**AN ORDINANCE AMENDING ARTICLE 1-A, ELECTRIC FRANCHISE, OF CHAPTER 710 – UTILITY FRANCHISES, OF TITLE VII – UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS, GRANTING TO WESTAR ENERGY, INC., ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE, PRESCRIBING THE TERMS OF THE FRANCHISE, AND REPEALING ORDINANCE NO. G-920**

**WHEREAS**, Westar Energy, Inc., provides electric service to customers within the City of Junction City through a franchise agreement adopted by Ordinance No. G-920 with Western Resources, Inc., the predecessor of Westar Energy, Inc.; and,

**WHEREAS**, the current franchise agreement expired according to its terms on November 20, 2011; and,

**WHEREAS**, Westar, Inc., and the City of Junction City desire to continue the franchise relationship, because the service provided by Westar, Inc., benefits the citizens of the City of Junction City; and,

**WHEREAS**, the City has the authority to grant a franchise to Westar Energy, Inc., to provide electric service pursuant to K.S.A. 12-2001, as amended.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:**

**SECTION 1.** Article 1-A, Electric Franchise (Western Resources, Inc.), of Chapter 710, Title VII, of the Code of Ordinances of the City of Junction City, Kansas, is hereby amended to read as follows:

**ARTICLE I-A. – ELECTRIC FRANCHISE (WESTAR ENERGY, INC.)**

**SECTION 710.091: - DEFINITIONS**

For the purpose of this electric power franchise agreement, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, and words in the plural number include the singular. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(a) *City* means the City of Junction City, Kansas.

- (b) *Company* means Westar Energy, Inc., a Kansas corporation.
- (c) *Distributed or Distribution* means all sales, distribution, or transportation by the Company or by others through the Facilities of the Company in the Right-of-Way to any consumer for use within the City.
- (d) *Customer* means a person, partnership, association, public or private firm, corporation or governmental agency or other entity using Electric Service at a stated location under a Service Agreement.
- (e) *Facilities* means all electric distribution lines, substations, works, and plants together with all necessary appurtenances located in, along, over, upon, under or through the Rights-of-Way.
- (f) *Franchise Agreement* or *Franchise* means this agreement between the City and the Company.
- (g) *Gross Receipts* means any and all compensation and other consideration derived directly by the Company from any Distribution of electric energy to a consumer for any use within the City, including domestic, commercial and industrial purposes, through charges as provided in tariffs filed and approved, and including without limitation interruptible sales and single sales; except that such term shall not include revenues from any operation or use of any or all of the Facilities in the Rights-of-Way by others nor shall such term include revenue from certain miscellaneous charges and accounts, including but not limited to delayed or late payment charges, connection and disconnection fees, reconnection fees, customer project contributions, returned check charges, and temporary service charges.
- (h) *Public Improvement* means any existing or contemplated facility, building, or capital improvement project, owned, occupied or used by the City, including without limitation streets, alleys, sidewalks, sewer, water, drainage, Rights-of- Way improvements, and Public Projects.
- (i) *Public Project* means any project, or that portion thereof, planned, undertaken or financed through the City or any governmental entity for construction, reconstruction, maintenance, or repair of Public Improvements, or for any other purpose of a public nature or in the public interest. In designating a project as a Public Project, the City shall use reasonable discretion.
- (j) *Private Development Project* - shall mean a project, or that portion thereof, planned, undertaken or financed by a non-governmental third party that is primarily for the benefit and use of the third party. As used herein, the term Private Development Project does not include any project or portion that is a Public Project.
- (k) *Rights-of-Way* means the surface and space on, above, and below every municipal street, alley, road, highway, lane or city right-of-way dedicated or commonly used now or hereafter for vehicular travel or utility purposes, including but not limited to overhead lighting facilities, and

including utility easements wherein the City now or hereafter acquires the right and authority to locate or permit the location of utilities consistent with communications facilities. This term shall not include any county, state or federal rights-of-way or any property owned or controlled by any person or agency other than the City, except as provided by applicable law or pursuant to an agreement between the City and any such person or agency. "Rights-of-way" shall not include property owned or leased by the City that is not typically utilized as right-of-way for laying of lines, such as city parks, city hall property, or public works facilities.

#### **SECTION 710.092: – FRANCHISE GRANTED.**

(a) The Company, its successors and assigns, is granted the non-exclusive right, privilege, and franchise to construct, maintain, extend, and operate its Facilities in, through, and along the Rights-of-Way of the City for the purpose of supplying electric energy to the City and its inhabitants for the full term of this Franchise; subject, however, to the terms and conditions of this Franchise Agreement.

(b) The Company shall not use, or allow any other person or entity to use, its facilities or the City's Right-of-Way for any purpose other than the provision of electric power. The Company shall not permit a subsidiary, affiliate, or a third party to acquire rights to occupy the Rights-of-Way under this Franchise, except that the Company may allow the use of its Facilities when the City receives prior written notification of such use, and such use is compensated to the City under the provisions of a franchise granted by the City to any such third party.

#### **SECTION 710.093: - CONSIDERATION**

(a) As consideration for granting this Franchise, the Company shall pay to the City a sum equal to five percent (5%) of the Gross Receipts received from such Distribution of electric energy and the above sum shall be adjusted for uncollected receivables and for receivables that are later collected. The Company shall make an accounting on a monthly basis to the City of all electric energy that has been distributed within the City.

(b) Payment of the compensation above shall be effective on the first day of the first month after final passage and approval by the City and acceptance by the Company. Prior to that date, payments shall continue to be calculated and be paid in the manner previously provided in Ordinance G-920. Such payments shall be made to the City on a monthly basis for the preceding monthly period.

(c) Notwithstanding anything to the contrary in this Franchise, the fee provided herein shall not become effective within any area annexed by the City until 30 days after the City provides the Company with a certified copy of the annexation ordinance, proof of publication as required by law and a map of the city detailing the annexed area.

(d) Company shall use commercially reasonable efforts to ensure the accuracy of its records and of the determination of the amount of Gross Receipts subject to the fee provided for herein. In the event and to the extent the accounting rendered to the City by the Company is found to be incorrect due to Company's failure to use commercially reasonable efforts as provided herein,

then payment shall be made on the corrected amount, it being agreed that the City may accept any amount offered by the Company, but the acceptance thereof by the City shall not be deemed a settlement of such item if the amount is in dispute or later found to be incorrect. The Company agrees that all of its books, records, documents, contracts and agreements as may be reasonably necessary for an effective compliance review of this Franchise shall upon reasonable notice and at all reasonable times be opened to the inspection and examination of the officers of the City and its duly authorized agents, auditor, and employees for the purpose of verifying said accounting. Notwithstanding the obligation herein, the Company shall have the right to require the reasonable protection of proprietary information of the Company.

(e) The payments and compensation herein provided shall be in lieu of all other City licenses, taxes, charges, and fees, except that the usual general property taxes and special ad valorem property assessments, sales and excise taxes, or charges made for privileges which are not connected with the electric energy business, shall be imposed on the Company and are not covered by the payments herein.

#### **SECTION 710.094: - TERM AND AMENDMENT**

(a) The term of this Franchise shall be ten (10) years from the effective date of this Ordinance.

(b) Upon 60 days advance written notice by the City, the franchise fee percentage rate may be changed on the fifth anniversary of the effective date of this Ordinance.

(c) Upon written request of either the City or the Company, and upon agreement of the other party, the Franchise may be reopened and renegotiated at any time upon any of the following events:

- (1) Change in federal, state, or local law, regulation, or order which materially affects any rights or obligations of either the City or the Company, including but not limited to the scope of the grant to the Company or the compensation to be received by the City; or,
- (2) Change in the structure or operation of the electrical energy industry which materially affects any rights or obligations of either the City or the Company, including but not limited to the scope of the grant to the Company or the compensation to be received by the City; or,
- (3) Any other material and unintended change or shift in the economic benefit to the City or a change the Company did not anticipate upon accepting the grant of this Franchise.

(d) Any amendments pursuant to this section shall be made by ordinance as required by state law. The Franchise shall remain in effect according to its terms until any review or renegotiation is complete and such amendments are adopted and effective.

#### **SECTION 710.095: - USE OF RIGHTS-OF-WAY**



(a) The Company shall comply with the City's rules, regulations, policies, resolutions and ordinances in effect or hereafter adopted that relate to the use of the City's Rights-of-Way. The Company shall comply with the City's rules, regulations, policies, resolutions and ordinances that relate to permits, sidewalk and pavement cuts, utility location, construction coordination, screening, and other requirements on the use of the Rights-of-Way. Provided, however, that the Company retains its right to oppose, challenge, or seek judicial review of, any such rules, regulations, policies, resolutions, or ordinances proposed, adopted, or promulgated by the City, as provided by law. Further, other than the fee required by Sec. 51-39, such rules, regulations or policies shall not require the payment of additional fees or additional costs for the use of the Right of Way.

(b) Further, the Company shall comply with the following:

- (1) The Company's use of the Rights-of-Way shall in all matters be subordinate to the City's use or occupation of the Rights-of-Way. Without limitation of its rights, the City expressly reserves the right to exercise its governmental powers now and hereafter vested or granted in the City. The Company shall coordinate the installation of its Facilities in the Rights-of-Way in a manner which minimizes adverse impact on Public Improvements, as reasonably determined by the City. Where installation is not otherwise regulated, the Facilities shall be placed with adequate clearance from such Public Improvements so as not to impact or be impacted by such Public Improvement as defined in the City's Engineering Design Standards and Construction Specifications.
- (2) The Company shall construct and maintain its facilities so as not to interfere with other users of the Rights-of-Way.
- (3) All earth, materials, sidewalks, paving, crossings, utilities, Public Improvements, or improvements of any kind located within the Rights-of-Way damaged or removed by the Company in its activities under this Franchise shall be fully repaired or replaced promptly by the Company without cost to the City to the reasonable satisfaction of the City; however, when such activity is a joint project of utilities or franchise holders, the expenses thereof shall be prorated among the participants, and to the reasonable satisfaction of the City in accordance with the ordinances and regulations of the City pertaining thereto. Nothing in this Franchise shall require the Company to repair or replace any materials, trees, flowers, shrubs, landscaping or structures that interfere with the Company's access to any of its Facilities located in a utility easement. Any excavation, back filling, repair and restoration, and all other work performed in the Rights-of-way shall be done in conformance with the City's Engineering Design Standards and Construction Specifications, as promulgated by the City Engineer. The City Engineer has the authority to inspect the repair or replacement of the damage, and if necessary, to require the Company to do the additional necessary work. At the time of any inspection, the City Engineer may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well being of the public. Notice of the unsatisfactory restoration and the deficiencies found will be provided to the Company and a reasonable time not to exceed 15 days will be provided to allow for the deficiencies to be corrected.

- (4) Except in the event of an emergency, as reasonably determined by the Company, the Company shall comply with all laws, rules, regulations, policies, resolutions, or ordinances now or hereinafter adopted or promulgated by the City relating to any construction, reconstruction, repair, or relocation of Facilities which would require any street closure which reduces traffic flow. Notwithstanding the foregoing exception all work, including emergency work performed in the traveled way or which in any way impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected.
- (c) The Company shall maintain and file with the City updated maps, in such form as may be required by the City Engineer, providing the location and sufficient detail of all existing and new facilities in the Rights-of-Way, and such other related information as may be reasonably required by the City Engineer of all users of the Rights-of-way. Such maps shall be updated and kept current with the City.
- (d) The Company shall, upon request of any person requesting temporary relocation of facilities and holding a permit validly issued by the City pursuant to K.S.A. 17-1914, *et seq.* and with notice to the Company provided as required by K.S.A. 17-1914, *et seq.* that the person intends to exercise its rights under the permit, temporarily raise, lower or relocate its wires or other facilities as may be required for the person to exercise the rights under the permit, and the Company may require such permit holder to make payment in advance for any expenses incurred by the Company.
- (e) Subject to subsection (g) of this section, the Company shall be responsible for its costs that are directly associated with its installation, maintenance, repair, operation, use, and replacement of its Facilities within the Rights-of-Way. The Company shall be responsible for its own costs incurred removing or relocating its Facilities when required by the City due to City requirements relating to maintenance and use of the Rights-of-Way for City purposes, as part of a Public Project.
- (f) Subject to subsection (g) of this section, the Company shall coordinate with the City on the design and placement of Facilities in the Rights-of-Way during and for the design of Public Projects. At the request and sole expense of the Company, the City may include design for Facilities in the design of Public Projects. Upon request by the City and within the time period specified in the City's request, the Company shall locate, remove, relocate, or adjust any Facilities located in Rights-of-Way if reasonably necessary for a Public Project. Such location, removal, relocation, or adjustment for a particular Public Project shall be performed by the Company without expense to the City, its employees, agents, or authorized contractors and shall be specifically subject to applicable City rules and regulations. Such relocation or adjustment shall be completed as soon as possible within the time set forth in any request by the City for such relocation or adjustment. If additional location, removal, relocation, or adjustment becomes necessary as a result of inaccurate or mistaken information provided by the Company or City, the party which provided such inaccurate or mistaken information shall be responsible for costs associated with such additional location, removal, relocation, or adjustment without expense to the other party. The City will use its best efforts to continue to provide a location in the Rights-

of-Way for the Company's Facilities as part of a Public Project, provided that the Company has cooperated promptly and fully with the City in the design of its Facilities as part of the Public Project.

(g) The Company shall be responsible for removal, relocation, or adjustment of Facilities located in the Right-of-Way at the Company's sole cost no more often than once each four (4) years for that particular facility. The City shall reimburse the Company for the removal, relocation, or adjustment of the Company's Facilities located in the Right-of-Way if required before the expiration of four (4) years from the date of the last relocation, removal, or adjustment of that particular facility.

(h) The Company shall not be responsible for the expenses of relocation to accommodate any new Private Development Project initiated after the effective date of this Franchise. The expenses attributable to such a project shall be the responsibility of the third (3rd) party requesting, requiring, or using such project upon the request and appropriate documentation of the Company. Before such expenses may be billed to the third (3rd) party, the Company shall be required to coordinate with the third (3rd) party and the City on the design and construction to ensure that the work required is necessary and done in a cost effective manner. The Company may require payment in advance of estimated costs of relocation prior to undertaking any work required to accommodate any new Private Development Project initiated after the effective date of this Franchise.

(i) The Company shall take adequate measures to protect and defend its Facilities in the Rights-of-Way from harm or damage. If the Company fails to accurately locate Facilities when requested, it shall have no claim for costs or damages against the City. The Company shall be responsible to the City and its agents, representatives, and authorized contractors for all direct damages arising out of the failure of the Company to perform any of its obligations under this Franchise Agreement. The above general provisions notwithstanding, the City and its authorized contractors shall take reasonable precautionary measures including calling for utility locations through Kansas One Call and exercising due caution when working near the Company's Facilities.

(j) At a minimum, and without limitation, the Company shall comply with all building, electrical and zoning codes currently or hereafter in force in the City.

(k) The Company shall comply with all technical and zoning standards governing construction, reconstruction, installation, operation, testing, use, maintenance, and dismantling of the Facilities in the Right-of-Way, as required by present and future federal, state, and City laws and regulations, including but not limited to the most recent standards of the State of Kansas, the Occupational Safety and Health Administration, and the U.S. Department of Transportation.

(l) The City encourages the conservation of the Rights-of-Way by the sharing of space by all utilities. Notwithstanding provisions of this Franchise prohibiting third (3rd) party use, to the extent required by federal or state law, the Company shall permit any other franchised entity by an appropriate grant, or a contract, or agreement negotiated by the parties, to use any and all Facilities constructed or erected by the Company.

(m) Permission is hereby granted to the Company to trim trees upon and overhanging the Right-of-Way. For routine trimming operations, customers shall be contacted at least one (1) week in advance by either personal contact or by informational door hanger. The Company shall perform line clearance work in accordance with its General Terms and Conditions, NESC 218, and regulations established under OSHA 29 CFR 1910.269. All pruning operations shall be performed by personnel qualified to perform the work and in accordance with the latest versions of ANSI Z133.1 (Safety Requirements for Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush) and ANSI A300 (Part 1) (Standard Practices for Tree, Shrub, and Other Woody Plant Maintenance).

#### **SECTION 710.096: - INDEMNITY AND HOLD HARMLESS**

The Company, its successors and assigns, in the construction, maintenance and operation of its electric power system, shall use all reasonable and proper precaution to avoid damage or injury to persons and property. The Company, its successors and assigns, shall hold and save the City, its officers, employees, agents and authorized contractors harmless from any and against all claims, damages, expense, liability, and costs, including reasonable attorney fees, caused by the negligence, in whole or in part, of Company employees, agents, or servants, related to the Company's occupancy of the Rights-of-Way. In the event a claim shall be made or an action shall be instituted against the City arising out of the Company's occupancy of the Rights-of-Way, then upon notice by the City to the Company, the Company shall assume responsibility for the defense of such actions at the cost of the Company, subject to the option of the City to appear and defend.

#### **SECTION 710.097: - BINDING CONTRACT**

(a) This ordinance shall become a binding contract between the parties and be in force and effect from and after its passage, and upon approval by the City, written acceptance by the Company to the City Clerk, and publication in the official city newspaper.

(b) This non-exclusive franchise, grant, and privilege is granted under and subject to all applicable laws and under and subject to all of the orders, rules, and regulations now or hereafter adopted by governmental bodies now or hereafter having jurisdiction.

(c) If any clause, sentence, or section of this Ordinance shall be held to be invalid, it shall not affect the remaining provisions of this Ordinance.

#### **SECTION 710.098: - ASSIGNABILITY**

This franchise shall be assignable only in accordance with the laws of the State of Kansas, as the same may exist at the time when any assignment is made, provided, however, that the franchise may be assigned by company without action by the City to any creditworthy entity which succeeds to all or substantially all of the electric utility business of the Company. In the event of such assignment to a successor, Company shall be released from all obligations which are assumed in writing by such successor and the assignee shall have executed an assumption of the franchise being assigned in form and content satisfactory to City.

**SECTION 2.** Ordinance No. G-920 and any ordinances or parts of ordinances inconsistent herewith are cancelled and repealed and shall no longer be in effect after the effective date of this ordinance.

**SECTION 3.** This Ordinance shall take effect and be in force on the first day of the first month after its passage and approval by the City, acceptance by the Company, and publication in the official city newspaper.

**PASSED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS,  
THIS MAY 15, 2012.**

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Pat Landes, Mayor

ATTEST:

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Tyler Ficken, City Clerk

**Backup material for agenda item:**

- a. Consideration of approval of the Final Plat of the Chestington Addition, a replat of Blocks 4 & 5, Schnell's Addition, to the City of Junction City, Kansas, and the approval of the Development Agreement. Planning & Zoning Director Yearout presenting.

# City of Junction City

## City Commission

### Agenda Memo

May 15, 2012

From: **David L. Yearout, AICP, CFM, Director of Planning and Zoning**

To: **City Commission & Gerry Vernon, City Manager**

Subject: **Final Plat – Chestington Addition**

**Issue:** Consideration of approval of the Final Plat of the Chestington Addition, a replat of Blocks 4 & 5, Schnell's Addition, to the City of Junction City, Kansas, and the approval of the Development Agreement.

**Explanation of Issue:** This is the request of Kaw Valley engineering, agent for Crown Investment Company, owner, to replat Blocks 4 and 5 of Schnell's Addition to Junction City, to be known as the Chestington Addition. The property sits at the southeast corner of Washington Street and Chestnut Street. It is being replatted to create a single lot for commercial development. It encompasses the two blocks bounded by Chestnut Street on the north and Spruce Street on the south, and Washington Street on the west and Franklin Street on the east. The replat will vacate Walnut Street between Washington Street and Franklin Street, as well as the two alleys running east/west between Washington Street and Franklin Street. The alleys will be retained as utility easements because there are sanitary sewers and overhead power lines in these alleys. The property was rezoned to "CG" General Commercial by ordinance in February of this year.

The Metropolitan Planning Commission considered this request at its January 19, 2012, meeting and by unanimous vote of the members present approved the Final Plat of the Chestington Addition to the City of Junction City, Kansas, subject to completion of a Developer's Agreement to the satisfaction of the City. A copy of the staff report is attached, and the Developer's Agreement has been agreed to and is presented for action with the plat.

**Alternatives:** In accordance with K.S.A. 12-752, for the Final Plat to be approved for recording with the Register of Deeds the City Commission must approve the plat, thereby accepting the dedications granted thereon.

**Staff Recommendation:** Approve the Final Plat of the Chestington Addition and authorize the Mayor and City Clerk to sign accordingly, and accept the Developer's Agreement and authorize the Mayor and City Clerk to sign accordingly.

#### **Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the Final Plat of the Chestington Addition to the City of Junction City, Geary County, Kansas, be approved, the Mayor and City Clerk be authorized to sign the plat accepting the dedications thereon, and authorize the Mayor and City Clerk to sign the Developer's Agreement for said plat.

Commissioner \_\_\_\_\_ seconded the motion.

#### **Enclosures:**

Copy of Minutes of the January 19, 2012, meeting.  
Copy of Staff Report  
Copy of Final Plat approved by MPC  
Development Agreement

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

**MINUTES**

**April 12, 2012  
7:00 p.m.**

**Members  
(Present)**

Brandon Dibben  
Maureen Gustafson  
John Moyer  
Mike Ryan  
Mike Watson  
Mike Steinfort

**Members  
(Absent)**

Ken Mortensen

**Staff**

David Yearout  
Shari Lenhart

**1. CALL TO ORDER AND ROLL CALL**

Chairman Steinfort called the meeting to order at 7:00 p.m. and noted all members present except Commissioner Mortensen.

**2. APPROVAL OF MINUTES**

Commissioner Moyer moved to approve the minutes of the March 8, 2012, meeting as written. Commissioner Watson seconded the motion and it passed unanimously.

**3. OLD BUSINESS - None**

**4. NEW BUSINESS**

**Item No. 1 – Case No. Z-04-01-12 - Public Hearing to Rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District.**

Chairman Steinfort opened the public hearing on the application filed by John York, agent, on behalf of Sally Jardine, owner, requesting to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District at 701 Allen Drive, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated this is another situation where a “house” is in a commercial district and is being hindered in a sale because of that. In this instance, the house was converted to a barber shop a number of years ago, however, the shop has not operated for some time and the potential buyer now wishes to re-establish it for residential purposes again. There is a cluster of homes along Allen Street and to the area north and west of this property along 8<sup>th</sup> Street and Eisenhower that are used residentially but are currently zoned commercial.



Mr. Yearout stated staff is recommending the rezoning as requested because the actual use of the property as a residence is not out of character with the neighborhood, the home is not conducive for a commercial use because of the size of both the home and the lot, and there is a continued demand for housing within the community.

Commissioner Moyer asked why staff was recommending the multi-family zone rather than a single-family zone. Mr. Yearout explained the "RM" zone provides the smallest minimum lot size for a single family home. The platted lots are small and development of a duplex or multi-family structure is not likely to happen unless several lots were acquired and the existing single-family homes were razed. The "RM" zone will at least allow a single family home to be in conformity with the zoning regulations.

There being no further questions of staff, Chairman Steinfert opened the hearing for public comments.

John York stated he was acting on behalf of the property owner. Mr. York said the barber shop was started in 1996 and closed in either 2004 or 2005. Mrs. Jardine has had two contracts to sell the property; however, they backed out because the property was zoned commercial and loans could not be secured. She now has another prospective buyer but the sale is contingent upon the property being rezoned for residential use. No structural changes were made when the home was used as a barber shop; however, Mrs. Jardine has recently had the kitchen and bathroom remodeled. The structure is too small for any significant commercial use and is best suited for residential.

There being no other public appearances, Chairman Steinfert closed the public hearing.

A brief discussion between Staff and Commissioners ensued regarding the similarity between this case and the one that instigated the 7<sup>th</sup> Street rezoning. Also the issue with the remaining residential homes currently zoned commercial. Even though this home is bordered by commercial uses to the south and west; the size of the lot and the general location make the likelihood of this particular building ever having a viable commercial use very slim.

Commissioner Gustafson moved that Case No. Z-04-01-12, concerning the request of John York, agent, on behalf of Sally Jardine, owner, to rezone from "CSP" Special Commercial District to "RM" Multiple Family Residential District the property at 701 Allen Drive, Junction City, Kansas, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Ryan seconded the motion and it passed unanimously.

**Item No. 2 – Case No. SUP-04-01-12 – Public hearing for a Special Use Permit for motor vehicle towing, storage and repair business in the "IL" Light Industrial District.**

Chairman Steinfert opened the public hearing on the application of David L. Mulvey, agent, for Konza Investments, Inc., owner, requesting a Special Use Permit for towing, storage, repair, and related activities of motor vehicles at 2405 North Jackson, Geary County, Kansas, and asked for the staff report.

Mr. Yearout informed the Commission the notice for the public hearing incorrectly stated this property was zoned "IH" Heavy Industrial. The property in question is zoned "IL" Light Industrial. Mr. Yearout stated the case can go forward without any harm to the process from this "clerical error". There is, however, a serious issue of the legal description provided by the

applicant. As explained in the staff report, the property owner, Konza Investments, inadvertently provided Mr. Mulvey with the wrong legal. The correct legal description for the property will need to be provided before this matter can go to the City Commission for any final action.

Mr. Yearout stated that Mr. Mulvey operates a vehicle towing business. This type of business encompasses the towing of abandoned/wrecked vehicles to a storage location. The aspects involved with Mr. Mulvey's business are permitted in the "IH" Heavy Industrial District and he has sought such a location within Junction City for many months but has been unsuccessful. Last year the regulations were amended to accommodate this type of operation either in the "IH" Heavy Industrial District or through the Special Use Permit process. A specific use can be allowed without resorting to a more intensive zoning which would allow potentially undesirable uses at a location. Staff believes this is the best way to deal with this use.

Mr. Mulvey has indicated he plans to use the existing building to store, repair and auction abandoned vehicles. The applicant has stated all aspects of the business will be inside the building. He has indicated he plans to install privacy fencing along the property line adjoining Mr. Brown's property. No other construction is anticipated. All of the outside area is paved in compliance with City Code requirements. Mr. Yearout stated if this location is approved for this business, it will allow Mr. Mulvey to register with the police and sheriff's departments to handle and dispose of wrecked/abandoned vehicles.

Mr. Yearout stated a major factor in this case is compatibility of the proposed use with surrounding land uses. In staff's opinion, Mr. Mulvey's business will not cause any more of an impact than the sand/gravel and the asphalt/concrete businesses in the vicinity.

Mr. Yearout stated that staff is recommending approval of Mr. Mulvey's request for a Special Use Permit at 2405 North Jackson, subject to no outside storage of towed and inoperable vehicles; a 6-foot privacy fence be installed along the common property line with Mr. Brown's property; and the correct legal description be provided.

Commissioner Watson asked if KDHE has looked at this location for all their requirements. Mr. Yearout stated he had been informed by the applicant that KDHE had approved the location, but Mr. Mulvey can address that better.

There being no other questions of staff, Chairman Steinfert opened the hearing for public comments.

Mr. David Mulvey, 331 West 1<sup>st</sup> Street, stated he is the owner of D & D Wrecker Service, and has been looking for a location within the City for the past couple of years. This property was previously used as a repair shop by Konza. The building is approximately 18,000 square feet in area with concrete floor, which meets all of KDHE requirements. There is room for approximately 200 cars inside the building. However, the number will vary because he plans to get into a rotation of holding an auction two or three times a year, depending on the demand. Mr. Mulvey stated his plan is to purchase an additional 2 to 3 trucks and to have up to 15 employees within the next couple of years.

Commissioner Gustafson asked about how all the environmental issues were handled regarding contaminant fluids, if he had any issues with the stipulations recommended by staff to be attached to the Special Use Permit, and the concern about outside becoming a storage area for tires. Commissioner Gustafson indicated she had received a personal call regarding potential outside storage. She indicated to the caller that all vehicles would be kept inside the

building and wanted to make sure that Mr. Mulvey would not be storing tires or any other vehicle parts outside the building.

Mr. Mulvey explained that KDHE did not consider oil as a contaminant, but anti-freeze and other fluids must be handled in conformance to their standards. For example, at a wreck site they would put a drying compound on any oil/fluid spills. Any fluids drained during repair are stored in big barrels and periodically picked up by a disposal company. He stated there was no objection to installing the required privacy fence. Mr. Mulvey explained that his business does not get into the "salvaging" of vehicles. He reiterated that no vehicles, tires, or parts would be stored outside the building. Mr. Yearout confirmed that Mr. Mulvey's business does not entail tearing vehicles apart for salvage. The term "salvage" should not have been used by staff in earlier reports.

There being no other appearances, Chairman Steinfort closed the public hearing.

Commissioner Moyer moved that Case No. SUP-04-01-12, the application of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit on property zoned "IL" Light Industrial District to allow motor vehicle towing, storage, repair and related activities at 2405 North Jackson, Junction City, Kansas, be recommended for approval by the City Commission of Junction City subject to conditions stated in the staff report and as reported at this hearing, based on the findings outlined in the staff report and as presented at this public hearing. Commissioner Watson seconded the motion and it carried unanimously.

**Item No. 3 – Case No. GCCU-04-01-12 – Public hearing requesting a Conditional Use Permit to operate a salvage business in the "AG" District.**

Chairman Steinfort opened the public hearing on the application of Bernard Rosey, owner, seeking a Conditional Use Permit to operate a salvage business on property located at 20355 Rosey Loop Road, Alta Vista, Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated Mr. Rosey was notified in January the relocation of approximately a dozen old mobile homes onto his property was a violation of the Geary County Zoning Regulations and he needed to either remove the mobile homes or seek the proper zoning. Mr. Rosey has admitted to doing a "salvage" operation for years unaware of the zoning violation. He was advised that burning or burying the mobile homes would also constitute violations of the Zoning Regulations as well as other requirements from Emergency Management and Health Department. Mr. Rosey opted to seek a Conditional Use Permit to conduct the salvage operation.

Mr. Yearout stated it is staff's opinion this is not a good location for a salvage operation and is not in the best interest of the County to sanction a salvage operation at this location. Further, Mr. Yearout stated it is staff's opinion this operation is contrary to the intent and purpose of the County Zoning Regulations.

Mr. Yearout stated it appears from the length of time that old mobile homes have been allowed to remain on the property that Mr. Rosey is not actually operating a salvage business, even though he may salvage some of the materials. But this appears to be more of a "hobby" operation that Mr. Rosey does when he is in need of some money, rather than an actual business. This is substantiated, in staff's opinion, by the large number of other mobile homes that have been discarded further out in the pasture.

In staff's opinion, Blixt Construction in Chapman, Kansas, should be the manner in which a salvage operation is operated, which includes the disposal of mobile homes and any number of other materials is done.

In conclusion, it is staff's opinion the accumulation of the mobile homes and other materials on the property is detrimental and has a negative impact on the surrounding properties. As such, this request should be denied.

Mr. Yearout also stated there have been numerous calls from property owners in the area opposed to a salvage operation at this location. They were all encouraged to attend this public hearing, but staff is unaware if they are here.

Mr. Yearout stated he had received an e-mail earlier in the day from Mr. Jim Neill, 20224 Welcome Cemetery Road, stating he would be unable to attend due to another commitment and that he indicated he was not in favor of Mr. Rosey's request for a Conditional Use Permit to operate a salvage business at 20355 Rosey Loop Road. A copy of the e-mail was provided to each Commissioner.

Commissioner Moyer asked what the State and KDHE requirements would be for Mr. Rosey to operate an actual landfill. Mr. Yearout indicated he was not familiar with all the federal or state laws for the establishment of a landfill. Geary County has no actual "landfill," it operates a transfer station in Junction City and the solid waste is transported to a landfill in Jefferson County, Kansas. For a landfill to be established on Mr. Rosey's property many other approvals would have to be obtained, including acceptance by KDHE.

There being no further questions of staff, Chairman Steinfert opened the hearing for public comment.

Bernard Rosey, 20335 Rosey Loop, Alta Vista, Kansas, stated he did not know this law existed and that he has been doing this for 30-45 years. Someone from Manhattan brought out a bunch of old mobile homes just like has been done in the past. He stated he really doesn't want a salvage yard and that he will eventually get everything cleaned up.

Bernard Rosey, Jr., 2880 SE Avenue, Topeka, Kansas, stated that they begun to clean up the yard some and will continue to do that as weather permits. He comes to the property to help his father on weekends.

Ken Kemp, 6465 Rosey Loop, stated he is not happy with the dumping of mobile homes. If he tried to sell his property he believes the old mobile homes probably negatively impact the area enough that people would just turn around and go home. He stated he believes it looks like a crime zone. He stated he understands that all people living in a rural area have junk and other materials to some degree, but this is not the place for a salvage or landfill operation. He stated some of the old mobile homes have been there for a few months and others for several years. He stated he is opposed to the request and wants the area cleaned up.

Mr. Rosey responded that he strips the aluminum and copper from the old mobile home and he also keeps the 2 by 4's and 2 by 6's as good lumber. He just doesn't get completed with the balance of the salvaging as fast as he would like.

Ron Say, 7830 US177 Highway, Alta Vista, stated he lives down stream from Mr. Rosey and after two major rains he has had to clean up the debris that has washed onto his property

from the junk on Mr. Rosey's land. The second time he hauled it back to Mr. Rosey. He stated the old mobile homes should be taken to a proper salvage area.

Julie Nelson, 20633 Rosey Loop, said they are the next door neighbors. She knew there was a lot of debris, but when she drove by it really broke her heart because the land is getting devastated. Ms. Nelson stated she is concerned about possible contamination of their well water and for the kids in the area. She said she agrees with what the staff has put together and there are a lot of reasons a salvage business should not be allowed. The neighbors in the area feel the same way.

There being no further public comment, Chairman Steinfert closed the public hearing.

Commissioner Gustafson asked what the process would be if the Conditional Use Permit is denied.

Mr. Yearout explained that if the County Commission denies Mr. Rosey's request, Mr. Rosey has the right to appeal to District Court within 30 days of that denial. At the expiration of all appeal times, a notice will be sent to Mr. Rosey to abate the violation. The County does have the legal authority to have the area cleaned of debris and bill Mr. Rosey unless the matter is taken to court. Mr. Rosey will be given reasonable time for removing the material. Given past actions on other properties that have similar problems, the County has established a process of monthly inspections to determine that Mr. Rosey is being diligent in cleaning up the property. Provided Mr. Rosey is progressing in an acceptable manner, the County will not invoke a more aggressive action. The condition of this property did not happen over night; therefore, it is in the best interest of all that Mr. Rosey be given the opportunity to remedy the situation in a reasonable manner. The appropriate county agencies involved in this action will be kept apprised of the progress on clean up of the area.

Commissioner Moyer asked what the ultimate decision would be if Mr. Rosey does not get the property cleaned up. Mr. Yearout explained the violation case would be turned over to the County Attorney for prosecution. If a court case is filed, it is up to the judge to determine the next course of action, which could be a fine or jail time. The objective of the County is to remove the violation and not to necessarily collect fines or put people in jail.

There being no further questions or comments from the Commission, Chairman Steinfert called for a motion.

Commissioner Watson moved that Case No. GCCU-04-01-12, the request of Bernard Rosey, owner, seeking a Conditional Use Permit to operate a salvage business on property located at 20355 Rosey Loop Road, Alta Vista, Geary County, Kansas, to establish a mobile home salvage business be recommended for denial by the Board of County Commissioners based for the reasons stated in the staff report and as heard at this public hearing. Commissioner Dibben seconded the motion and it carried unanimously.

Mr. Yearout stated that this case would be considered by the County Commissioners in May, with the actual date to be determined. Mr. Yearout then explained the protest petition process to those in attendance.

**RECESS AS METROPOLITAN PLANNING COMMISSION AND CONVENE AS BOARD OF ZONING APPEALS**

Commissioner Moyer moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Gustafson seconded the motion and it carried unanimously.

**5. OLD BUSINESS - None**

**6. NEW BUSINESS**

**Item No. 1 – Case No. BZACU-04-01-12 – Public hearing for a Conditional Use Permit to operate at Day Care Home (max. 10 children) in the “RG” General Residential District.**

Chairman Steinfert opened the public hearing on the application of Kimberlee Stewart, owner, requesting a Conditional Use Permit to operate a Day Care Home in the “RG” General Residential District at 1409 West 14<sup>th</sup> Street, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated the applicant wishes to establish a Day Care Home, which allows up to 10 children. She has two of her own that count toward the total number of children authorized by her KDHE license. This would allow her to keep up to eight children that are not her own. The property is a pie-shaped lot with a small back yard. A portion of the front yard and all of the back yard is fenced.

Mr. Yearout reviewed the staff report which sets out the standards to be considered for a Conditional Use Permit under the City’s Zoning Regulations. However, as outlined in the staff report and to remain consistent with previous recommendations regarding day care homes, staff is recommending denial of the Conditional Use Permit. Mr. Yearout stated that if the Board chooses to approve the request, staff has recommended it be subject to the conditions approved by the Board for previous day care permits.

Mr. Yearout stated that due to the numerous requests of this type, the Board may wish to consider amending the Zoning Regulations to remove Family Day Care Homes and make Day Care Homes allowed by right in the residential districts. He indicated this could be discussed at the end of the meeting.

There being no questions of staff, Chairman Steinfert opened the hearing for public comment.

Kimberlee Stewart, 1409 West 14<sup>th</sup> Street, stated she wished to expand her business to the maximum allowed by her KDHE license and would be glad to answer any questions the Board members may have.

Commissioner Gustafson asked if her property was the one with the sign on the fence. Ms. Stewart indicated that it was. Ms. Stewart stated she had no problem with removing it, if that is one of the conditions of the Permit. In response to additional questions, Ms. Stewart indicated she was caring for four children plus her two. She has had several calls and friends who have asked her to care for their children. The children range in age from 6 months to 4 years old. She received her KDHE license in September of 2011. The home does have a basement but the day care is limited to the main level.

Commissioner Ryan asked if the play equipment in the front yard could be moved to the back yard. Ms. Stewart indicated it could, but the back yard is rather small because of the lot

configuration. However, the play equipment in the front yard can be removed at the end of the day.

Reggie Stewart, 1409 West 14<sup>th</sup> Street, stated the only concern he had was the condition that no play equipment could be in the front yard. Because of the odd shape of the back yard, some of the play equipment is located in the front yard. He did explain that none of it is on any permanent foundation and can be removed at the end of the day.

There being no other public comments, Chairman Steinfort closed the public hearing.

Commissioner Watson moved that Case No. BZACU-04-01-12, the request of Kimberlee Steward, owner, requesting a Conditional Use Permit to operate a Day Care Home in the "RG" General Residential District at 1409 West 14<sup>th</sup> Street, Junction City, Kansas, be approved based on the findings at this public hearing and subject to the conditions outlined in the staff report. Commissioner Dibben seconded the motion and it carried unanimously.

## **ADJOURN AS BOARD OF ZONING APPEALS AND RECONVENE AS METROPOLITAN PLANNING COMMISSION**

Commissioner Ryan moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Moyer seconded the motion and it carried unanimously.

### **7. GENERAL DISCUSSION**

Mr. Yearout informed the Commission that the County is going through the five year review of the Solid Waste Master Plan. The main point was to confirm Geary County does not operate a landfill. The population data was updated to accommodate the growth over the past few years. He stated he will write the required letter stating that the Solid Waste Master Plan is consistent with the over all Comprehensive Plan.

Mr. Yearout asked whether there was interest in changing the requirements for Family Day Care Homes in light of the changes made by the State. In 2010, KDHE amended the day care licensing requirements by dropping the Registered Family Day Care Home category and required all providers to be licensed for a Day Care Home. At that time the City opted to maintain the Family Day Care Home category allowed by right in residential districts and require a Conditional Use Permit for everything else. Within the past year, eight Conditional Use cases have been filed with the Board of Zoning Appeals and there are two scheduled for the May meeting. Given the current licensing standards of the State, it is a good assumption the trend to request a Day Care Home will not change. Historically, the Board has allowed the increase from 6 to 10 with three main conditions attached to the Conditional Use Permit. If the Commission chooses to amend the Zoning Regulations by eliminating the Family Day Care Home and allow Day Care Homes by right, a motion to set a public hearing must be made. The regulations can establish performance standards similar to what has become the norm for Conditional Use Permits.

Commissioners discussed the advisability of amending the regulations by eliminating the Family Day Care Home category and allowing the Day Care Home by right subject to meeting performance standards regarding signage, location of permanent playground equipment and the hours of operation.

Commissioner Moyer moved to set a public hearing to consider a text amendment to the City and County Zoning Regulations and direct staff to draft the necessary changes to all appropriate sections with the intent to eliminate the Family Day Care Home category and allow Day Care Homes

with performance standards by right at the next meeting. Commissioner Watson seconded the motion and it carried unanimously.

Mr. Yearout questioned whether the Commission wanted to initiate a rezoning for residential properties within the area of Eisenhower and 8<sup>th</sup> Street. He pointed out this would be consistent with the rezoning action taken along 7<sup>th</sup> Street earlier this year. If so, a public hearing date needs to be set.



Commissioner Gustafson moved to set a public hearing to consider rezoning the residential properties in the vicinity of Eisenhower and 8<sup>th</sup> Street from commercial to a residential designation and direct staff to determine the affected properties and publish the required notice of public hearing for the next meeting. Commissioner Moyer seconded the motion and it carried unanimously.

**8. ADJOURNMENT**

There being no further business, Commissioner Gustafson moved to adjourn. Commissioner Moyer seconded the motion and it carried unanimously. Chairman Steinfort declared the meeting adjourned at 8:12 p.m.

**PASSED AND APPROVED this \_\_\_\_\_ day of May, 2012.**

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**Mike Steinfort, Chairman**

**ATTEST:**

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**David L. Yearout, Secretary**



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

January 17, 2012

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, CFM, Director of Planning and Zoning

**SUBJECT:** FP-01-02-12 – Request of Kaw Valley Engineering, agent, on behalf of Crown Investment Company, owner, to replat the two blocks generally located south of Chestnut Street and east of Washington Street, Junction City, Kansas.

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This is the request of Kaw Valley Engineering, agent, on behalf of Crown Investment Company, owner, to replat the two blocks between Chestnut Street on the north, Spruce Street on the south, Washington Street on the west and Franklin Street on the east. This property has been mostly vacant for a number of years and the remaining structures along Chestnut Street were razed in 2011. Presently, there are no structures on any of the properties and all the land is in common ownership.

The intent of this replatting is to clear the legal descriptions of the lots into a single tract and to vacate Walnut Street between Washington Street and Franklin Street. In addition, the intent is to vacate the alleys in these two blocks, both of which run from east to west. The alleys will be retained as a utility easement because the sanitary sewer mains of the City are in these alleys. The plat review discussion with the other utility representatives indicated there were no other utilities that were in the alleys and the only utilities in the Walnut Street right-of-way were some older electric lines that would be removed. The ultimate intent in the vacation of Walnut Street is to grant the land to the property owner so it may be used in planning future commercial development.

In addition, discussion was held regarding the impact of the vacation of Walnut Street to the storm drainage in the area. Presently, Walnut Street serves as the drainage conduit for storm water in the area. According to the applicant, engineering analysis shows the intersection point functions as the “high point” on the east side of Washington Street. By closing the intersection and extending the curb line across that opening, drainage will flow in the curb line to the north and south without causing any problems. The development agreement will address this matter.

The other issue staff believes is in the best interests of the City is to require access control along the east side of Washington Street south from Chestnut Street, and along the south side of Chestnut Street east from Washington Street. Based on conversations with City staff, it is

recommended the access controls extend a minimum of 100 feet along the property line in each direction.

Staff believes this replatting is in the best interests of the community by allowing the property to be redeveloped into a commercial facility that is able to be designed to meet the needs of a new commercial facility at this location. Adequate safeguards are in place to provide protections to the surrounding properties from any use that may come forward. This action, along with the rezoning of the property, should result in an enhanced site for continued commercial development within the City. A separate develop agreement will be prepared that will address the timing and manner in which all the utilities will be removed and how Walnut Street and the alleys will be removed and the land maintained until redevelopment occurs.

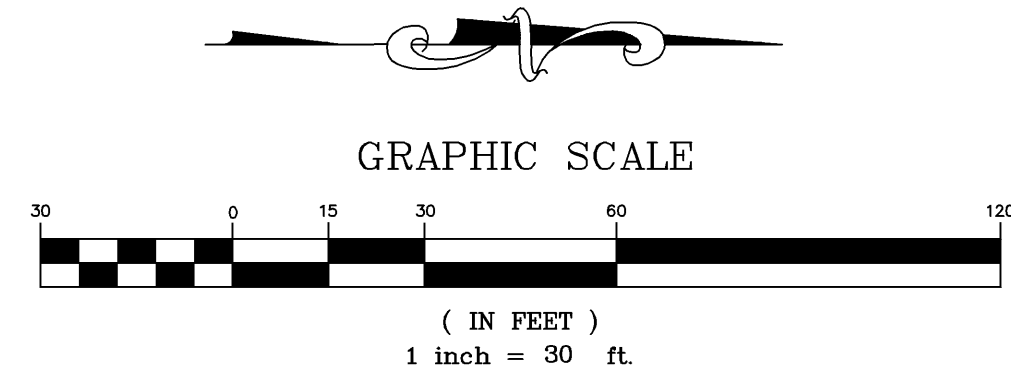
**Staff Recommendation:** Staff recommends the request of Kaw Valley Engineering, agent, on behalf of Crown Investment Company, owner, to replat the two blocks located south of Chestnut Street and east of Washington Street, Junction City, Kansas, be recommended for approval, subject to the final plat document showing the access controls identified by staff, and the completion of the development agreement addressing the issues identified by staff and at this meeting.

**Suggested Motion:**

I move that Case No. FP-01-02-12, concerning the request of Kaw Valley Engineering, agent, on behalf of Crown Investment Company, owner, to replat the two blocks located south of Chestnut Street and east of Washington Street, Junction City, Kansas, be approved by the Metropolitan Planning Commission, subject to the changes and conditions stated by staff, and the Chairman and Secretary be authorized to sign the plat; and the plat be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this meeting.

# CHESTINGTON ADDITION

A REPLAT OF BLOCKS 4 & 5, SCHNELL'S ADDTION  
TO JUNCTION CITY, KANSAS



- LEGEND:**
- MONUMENT FOUND, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
  - ⊙ 1/2" BAR W/CLS 20 CAP FOUND
  - ⊕ COTTON PICKER SPINDLE FOUND
  - ∇ CHISELED "V" FOUND
  - (P) PLATTED
  - (M) MEASURED
  - B/L BUILDING SETBACK LINE
  - ⑧ LOT NUMBER
  - /// ACCESS CONTROL

BOUNDARY CORNER COORDINATES		
ID	NORTH	EAST
A	252238.4567	644929.0429
B	252538.9301	1644925.1521
C	252618.8322	1644924.0457
D	252920.0945	1644920.2376
E	252925.4837	1645383.1878
F	252624.7299	1645387.0273
G	252544.7431	1645388.0451
H	252243.2358	1645391.8692

STATE PLANE COORDINATES KANSAS NORTH  
ZONE 1501, NAD 1983, US SURVEY FEET

## PROPERTY DESCRIPTION:

ALL OF LOTS 1 THROUGH 20 AND THE 20 FOOT ALLEY IN BLOCK 4, AND ALL OF LOTS 1 THROUGH 20 AND THE 20 FOOT ALLEY IN BLOCK 5, AND ALL OF WALNUT STREET RIGHT-OF-WAY BETWEEN LOTS 13 THROUGH 20 OF SAID BLOCK 4 AND LOTS 1 THROUGH 8 OF SAID BLOCK 5, OF SCHNELL'S ADDITION TO THE CITY OF JUNCTION CITY, COUNTY OF GEARY, STATE OF KANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 5, SAID CORNER ALSO BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SPRUCE STREET AND THE EAST RIGHT-OF-WAY LINE OF WASHINGTON STREET; THENCE ALONG AN ASSUMED BEARING OF N 00°43'19" W ALONG THE WEST LINE OF SAID BLOCK 5, A DISTANCE OF 300.68 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 5; SAID POINT ALSO BEING THE INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF VACATED WALNUT STREET; THENCE N 00°47'36" W A DISTANCE OF 79.92 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 4, SAID POINT ALSO BEING THE INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND THE NORTH RIGHT-OF-WAY LINE OF SAID VACATED WALNUT STREET; THENCE N 00°43'27" W ALONG THE WEST LINE OF SAID BLOCK 4, A DISTANCE OF 301.31 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 4, SAID POINT ALSO BEING THE INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF CHESTNUT STREET; THENCE N 89°19'59" E ALONG THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF 463.02 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 4, SAID POINT ALSO BEING THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF FRANKLIN STREET; THENCE S 00°43'53" E ALONG THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF 300.80 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 4, SAID POINT ALSO BEING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND SAID NORTH RIGHT-OF-WAY LINE OF VACATED WALNUT STREET; THENCE S 00°43'45" E A DISTANCE OF 80.00 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 5, SAID POINT ALSO BEING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND SAID SOUTH RIGHT-OF-WAY LINE OF VACATED WALNUT STREET; THENCE S 00°43'36" E ALONG THE EAST LINE OF SAID BLOCK 5, A DISTANCE OF 301.56 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 5, SAID POINT ALSO BEING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND SAID NORTH RIGHT-OF-WAY LINE OF SPRUCE STREET; THENCE S 89°23'21" W ALONG THE SOUTH LINE OF SAID BLOCK 5, A DISTANCE OF 462.99 FEET TO THE POINT OF BEGINNING. CONTAINS 7.25 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS NOW OF RECORD.  
END OF DESCRIPTION

## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY WAS AN ASSUMED BEARING OF N 89°16'50" E ALONG THE NORTH LINE OF BLOCK 5, SCHNELL'S ADDITION TO JUNCTION CITY, KANSAS.

ORIGINAL



**KAW VALLEY ENGINEERING, INC.**  
CONSULTING ENGINEERS — LAND SURVEYORS  
2319 NORTH JACKSON | P.O. BOX 1304  
JUNCTION CITY, KANSAS 66441  
PH. (785) 762-5040 | FAX (785) 762-7744  
jc@kveng.com | www.kveng.com  
JUNCTION CITY, KS | KANSAS CITY, MO | LENEXA, KS | SALINA, KS

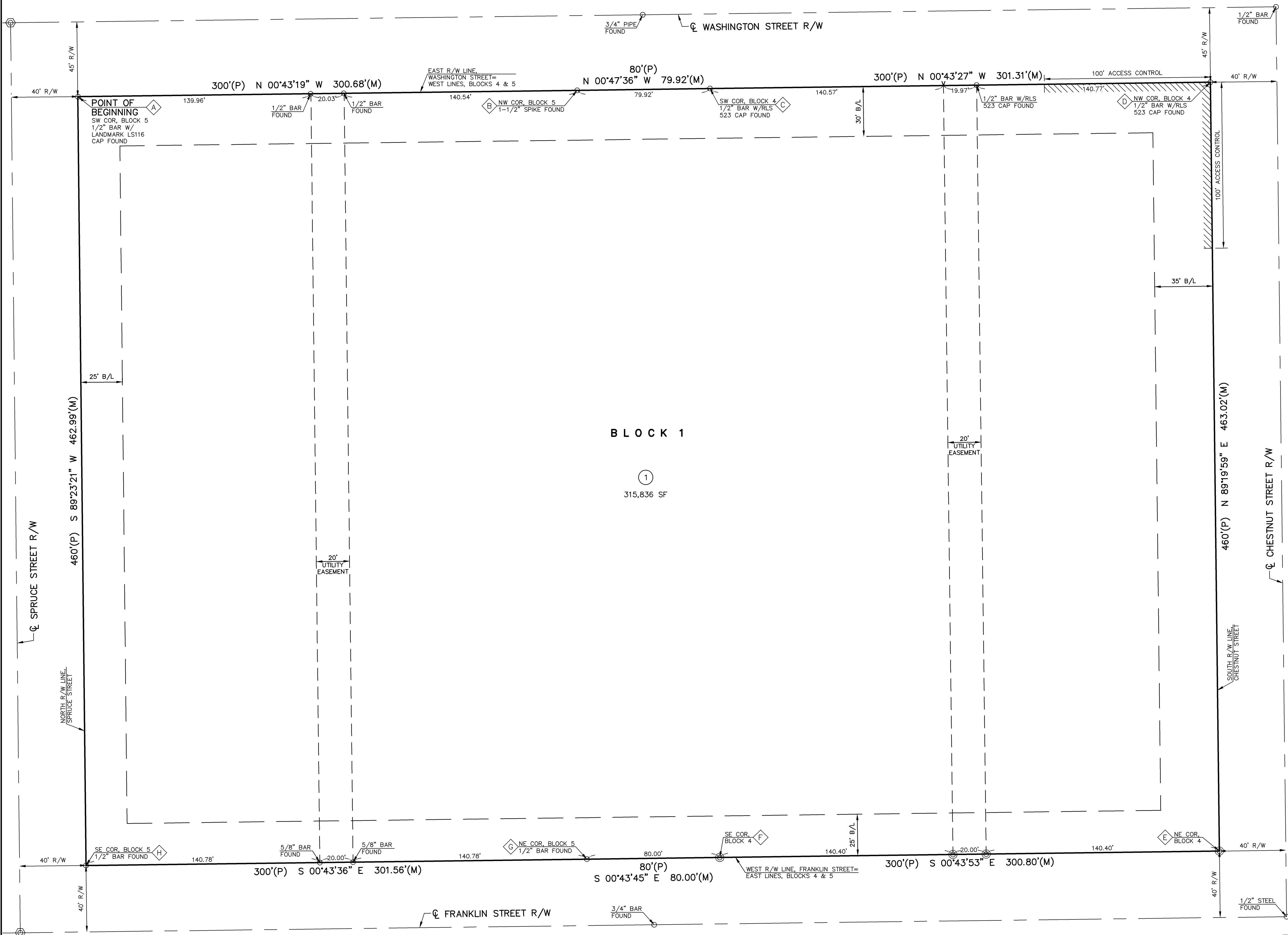
PREPARED FOR:  
**KANSAS STATE BANK OF JUNCTION CITY**  
539 WEST 6TH STREET  
JUNCTION CITY, KANSAS 66441

KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO  
OFFER SURVEYING SERVICES BY KANSAS STATE  
CERTIFICATE OF AUTHORIZATION NO. LS-20.  
EXPIRES 12/31/12

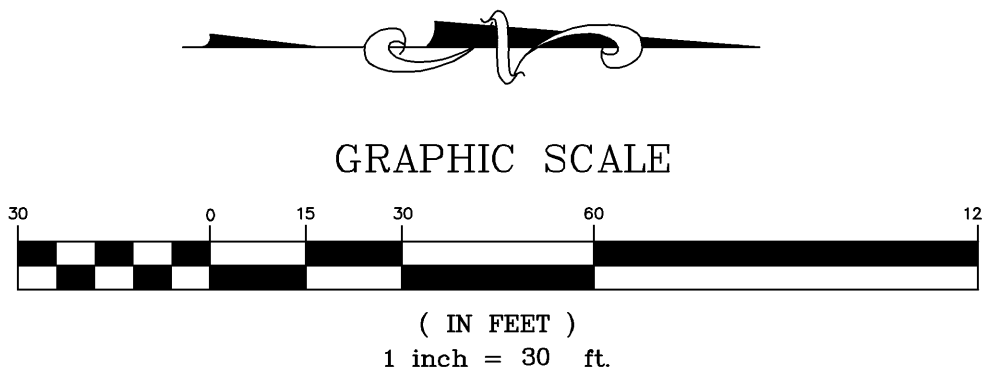
PROJECT NO.  
**A11\_5829**  
DRAWN BY  
**BUH**  
CHECKED BY  
**JRL**  
CFN  
**5829PLAT**  
SHEET  
**1 OF 2**

# CHESTINGTON ADDITION

A REPLAT OF BLOCKS 4 & 5, SCHNELL'S ADDITION  
TO JUNCTION CITY, KANSAS



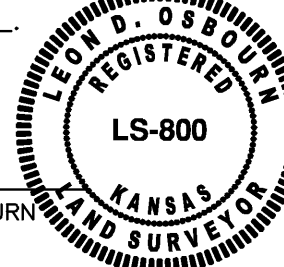
REPLAT



## SURVEYOR'S CERTIFICATE

STATE OF KANSAS } SS  
COUNTY OF GEARY }

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS, WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING; THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME OR UNDER MY DIRECT SUPERVISION; THAT ALL SUBDIVISION REGULATIONS OF THE CITY OF JUNCTION CITY, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT; THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREIN ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
GIVEN UNDER MY HAND AND SEAL AT JUNCTION CITY, KANSAS, THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.  
DATE OF SURVEY: JUNE 20, 2007  
DATE OF PLAT PREPARATION: DECEMBER 30, 2011



## OWNER'S CERTIFICATE

STATE OF KANSAS } SS  
COUNTY OF }

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT HE HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED. ALL STREET RIGHTS-OF-WAY AS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC. AN EASEMENT OR LICENSE TO THE PUBLIC TO LOCATE, CONSTRUCT, AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION, AND MAINTENANCE OF POLES, WIRES, CONDUITS, WATER, GAS AND SEWER PIPES OR REQUIRED DRAINAGE CHANNELS OR STRUCTURES UPON THE AREA MARKED FOR EASEMENTS ON THIS PLAT IS HEREBY GRANTED.  
GIVEN UNDER MY HAND AT \_\_\_\_, KANSAS THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

CROWN INVESTMENT COMPANY  
MICHAEL H. DANIELS

## NOTARY CERTIFICATE

STATE OF KANSAS } SS  
COUNTY OF }

BE IT REMEMBERED THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME, IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTORIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_

## COUNTY TREASURER CERTIFICATE

STATE OF KANSAS } SS  
COUNTY OF GEARY }

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT. GIVEN UNDER MY HAND AND SEAL AT JUNCTION CITY, KANSAS THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

COUNTY TREASURER, KATHY TREMONT

## CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF KANSAS } SS  
COUNTY OF GEARY }

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE PLAT. GIVEN UNDER MY HAND AND SEAL AT JUNCTION CITY, KANSAS THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

COUNTY TREASURER, KATHY TREMONT

## CERTIFICATE OF CITY COMMISSION

STATE OF KANSAS } SS  
COUNTY OF GEARY }

THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY ACCEPTED BY THE CITY COMMISSION  
THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

ATTEST  
CITY CLERK, TYLER FICKEN  
MAYOR, PAT LANDES

## REVIEW SURVEYOR'S CERTIFICATE

STATE OF KANSAS } SS  
COUNTY OF GEARY }

I HEREBY CERTIFY THAT THE REVIEW OF THIS PLAT WAS FOUND TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF K.S.A. 58-2005. APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

LAND SURVEYOR, JASON R. LOADER  
REGISTRATION NO. 1462



## CERTIFICATE OF REGISTER OF DEEDS

STATE OF KANSAS } SS  
COUNTY OF GEARY }

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_, AT \_\_\_\_ AND IS DULY RECORDED IN PLAT BOOK \_\_\_\_ AT PAGE \_\_\_\_.

REGISTER OF DEEDS, DIANE BRIESTENSKY-LEONARD

ENTERED ON TRANSFER RECORD THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

COUNTY CLERK, REBECCA BOSSEMEYER

## JUNCTION CITY-GEARY COUNTY METROPOLITAN PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS } SS  
COUNTY OF GEARY }

THIS PLAT OF CHESTINGTON ADDITION HAS BEEN SUBMITTED TO AND APPROVED BY THE JUNCTION CITY-GEARY COUNTY METROPOLITAN PLANNING COMMISSION, JUNCTION CITY, KANSAS. DATED THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

JUNCTION CITY-GEARY COUNTY METROPOLITAN PLANNING COMMISSION BY: \_\_\_\_\_ CHAIRMAN, MICHAEL STEINFORT

SECRETARY, DAVID L. YEAROUT

	KAW VALLEY ENGINEERING, INC.	PROJECT NO. A11_5829
	CONSULTING ENGINEERS - LAND SURVEYORS	DRAWN BY BJH
	2319 NORTH JACKSON   P.O. BOX 1304	CHECKED BY JRL
	JUNCTION CITY, KANSAS 66441	CFN 5829PLAT
	PH. (785) 762-5040   FAX (785) 762-7744	SHEET 2 OF 2
jc@kveng.com   www.kveng.com		
JUNCTION CITY, KS   KANSAS CITY, MO   LENEXA, KS   SALINA, KS		
PREPARED FOR: KANSAS STATE BANK OF JUNCTION CITY 539 WEST 6TH STREET JUNCTION CITY, KANSAS 66441		KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORIZATION NO. LS-20. EXPIRES 12/31/12

**AGREEMENT REGARDING**  
**COMMERCIAL REAL ESTATE DEVELOPMENT**

THIS AGREEMENT made and entered into this \_\_\_\_ day of April, 2012, by and between **Crown Investment Company**, a Kansas corporation with its principal offices in Manhattan, Kansas, and its grantees, successors and assigns of the Site (as that term is defined in this Agreement), as "Developer", and the **City of Junction City, Kansas**, a Kansas municipal corporation, as the "City".

**RECITALS:**

A. Developer owns unimproved land located in the corporate limits of the City and more particularly described on Exhibit "A" (the "Site").

B. Developer desires to replat the Site, to vacate that part of the public street known as "Walnut Street" situated between Washington Street on the west and Franklin Street on the east, and to also vacate certain alleyways within the Site, and to rezone the Site to permit its development and use for general commercial purposes.

C. As a condition to approving a replat and rezoning of the Site so as to allow its redevelopment by Developer and its grantees and successors, the City has certain requirements, conditions and limitations on the vacation of Walnut Street and the alleyways, the points of access from the Site onto Washington Street and Chestnut Street, and certain other development issues.

D. The parties desire to enter into a detailed agreement regarding the foregoing, in connection with and in contemplation of the City's governing body accepting Developer's replat of the Site (the "Replat") and adopting and approving a rezoning the Site as requested by Developer.

NOW, THEREFORE, for and in consideration of the City's approval and acceptance of the Replat, the mutual covenants and agreements contained herein and other good and valuable consideration the receipt and sufficiency which is hereby acknowledged, the parties agrees as follows:

1. **Vacation of Walnut Street Right-of-Way.** The City acknowledges that it is Developer's intention to seek a vacation of Walnut Street pursuant to Article 5 of Chapter 12 of Kansas Statutes Annotated either by the Replat or by petition, and in any event in accordance with Kansas law. Developer agrees that if and when the Walnut Street right-of-way is duly vacated, it shall immediately thereafter install and erect, in a good and sound manner, blockades or barricades (collectively, "Blockades") which will prevent traffic from exiting from Washington Street or Franklin Street onto Walnut Street as vacated. Such Blockades will be properly constructed and marked in a manner acceptable to the City.

2. **Vacation of Alleys and Sewer Easement.** The City acknowledges that it is Developer's intention to seek a vacation of certain publicly-dedicated alleyways located within the Site pursuant to Article 5 of Chapter 12 of Kansas Statutes Annotated, either by the Replat or by petition, and in any event in accordance with Kansas law. Developer agrees that if and when such alleyways are duly vacated, and as a condition to approval and contemporaneously with the recording of the Replat, Developer shall dedicate or otherwise grant to the City, for public use, underground sanitary sewer easements of not less than twenty (20) feet in width and

approximately centered along the existing sewer lines (the "Sewer Lines") which are now located within the alleys to be vacated, and otherwise in form and substance acceptable to the City.

3. **Infrastructure Work.**

3.1 Within ninety (90) days after vacation of such portion of Walnut Street, Developer shall commence removal and excavation of the existing vacated Walnut Street paving, guttering, and related street improvements. Thereafter, Developer shall construct, extend, and install curbing along Franklin Street and Washington Street within and along the current Walnut Street intersection lines. Such removal, infrastructure, construction, extension, and installation may be hereafter referred to collectively as the "Curbing Work."

3.2 The City agrees that Developer shall have the right, at Developer's expense, to move and relocate the existing Sewer Lines as long as (i) the Sewer Lines, manholes, and related apparatus are relocated into permanent easements which have been duly dedicated for such purpose by the Replat or by a separate written and recorded easement instrument which, as to form and substance, is acceptable to the City, and (ii) the Sewer Lines, manholes, and related apparatus as reconstructed and relocated are of a type, quality and capacity as is approved by the City and the manner and method of construction and installation of the new sewer line and disconnection of the old sewer line are in all respects approved by the City. Such moving, relocation, construction, reconstruction, and installation may be hereafter referred to collectively as the "Sewer Work."

3.3 The Curbing Work and the Sewer Work may be collectively referred to as the "Work." All Work shall be designed and constructed in accordance with applicable City ordinances, codes, rules, regulations, or other requirements (collectively, the "Standards"). Developer shall diligently pursue the Work until completion. All construction and installation of the Curbing Work must be completed by Developer no later than November 30, 2012, unless the City agrees in writing to a later completion date. All construction and installation of the Sewer Work must be completed by Developer no later than December 31, 2015, unless the City agrees in writing to a later completion date. Prior to final acceptance of the Work, and prior to the issuance of any building permits, Developer shall supply the City with final as-built plans, both in an electronic format and hard-copy format acceptable to City, signed and sealed by the Engineers certifying that all work was constructed in compliance with the final Plans (as defined below).

4. **Design Work.**

4.1 Design Plans. Developer agrees at its sole cost and expense to have detailed and complete design and construction plans and specifications for each and every component of the Work (collectively, the "Plans") prepared by a duly licensed and reputable civil engineering firm acceptable to the City (the "Engineers"). The City hereby stipulates and agrees that Kaw Valley Engineering of Junction City, Kansas, is an acceptable civil engineering firm for that purpose. All design and construction work for public improvements shall conform to the City's design standards, which are outlined within the City of Code of Ordinances, as amended from time to time.

4.2 Delivery to City. Following preparation of the Plans, Developer will deliver sufficient sets of Plans to the City for the review and comment of the City's engineering department and other staff members as to the quality and capacity of each component of the

Work and compliance of the same with the Standards. Developer agrees to have the preliminary drafts of the Plans for Curbing Work prepared and presented to the City no later than forty-five (45) days after the City's acceptance or the Replat. Developer shall deposit sufficient plan review fees, per City standards, in order to cover City's costs in design review.

4.3 Approval of Plans. Developer shall submit final design and construction Plans for approval by the City. No construction activities for any Work will be allowed until Developer obtains written final approval of the Plans for the specific Work to be performed and the Replat from the City. The Plans shall not be changed in concept, scope, or other detail without prior approval of the City.

## 5. Construction and Installation.

5.1 Commencement. Following the City's formal acceptance of the Replat and its written acceptance and approval of the Plans, Developer shall solicit competitive bids for the construction of the Work, and award the contracts for construction to reputable and experienced contractors, subject to prior approval of the City (not to be unreasonably withheld) to complete the construction and installation of the Work within the appropriate public rights-of-way and easements dedicated by the Replat.

### 5.2 Warranties.

(a) Developer warrants to the City that materials and equipment furnished under this Agreement and Developer's own contracts for construction of the Work will be of good quality and new unless the Plans require or permit otherwise. Developer further warrants that the Work will conform to the requirements of the Plans and will be free from defects. Work, materials, or equipment not conforming to these requirements may be considered defective. Developer shall furnish the City with satisfactory evidence as to the kind and quality of materials and equipment. All contracts and purchase orders entered into by Developer for the construction and installation of the Work must include warranties of workmanship and materials which are consistent with those required by the City when it contracts for construction of public improvements. Such warranties for the Work shall name the City as an additional party entitled to rely on such warranties, and the City shall be deemed an intended third-party beneficiary of such warranties.

(b) If, within two (2) years after the date of final approval of any component of the Work by the City, the component of the Work is found to be not in accordance with the requirements of the Plans or this Agreement, Developer shall correct it promptly after receipt of written notice from the City to do. The City shall give such notice with reasonable promptness after discovery of the condition. The two-year period for correction of Work shall not be extended by corrective work performed by Developer pursuant to this Section 5.2. Developer shall remove from the Site portions of the Work that are not in accordance with the requirements of the Plans or this Agreement and are neither corrected by Developer nor accepted by the City. Developer shall bear the cost of correcting destroyed or damaged construction, whether completed or partially completed, of the City or separate contractors caused by Developer's correction or removal of work that is not in accordance with the requirements of the Plans or this Agreement.

(c) Nothing contained in this Section 5.2 shall be construed to establish a period of limitation with respect to other obligations Developer has under this Agreement. Establishment of the two-year period for correction of work relates only to the specific obligation



of Developer to correct the Work, and has no relationship to the time within which the obligation to comply with the Plans or this Agreement may be sought to be enforced, nor to the time within which proceedings may be commenced to establish Developer's liability with respect to Developer's obligations other than specifically to correct the Work.

(d) In enforcing any warranties, whether of Developer or Developer's contractors, subcontractors, or vendors, the City shall not be required to first proceed against such contractors or vendors, and shall be permitted to enforce Developer's warranties set forth herein specifically against Developer. Upon request by the City, Developer shall assign all rights of Developer in and under any and all warranties against defects in materials and workmanship given by the contractors, subcontractors, and vendors who supply labor or materials in connection with the original construction of the Work, and Developer agrees to reasonably assist the City in enforcement of such warranties, if and when so requested by the City.

5.3 Bonds and Letters of Credit. Prior to commencement of construction Developer shall provide to the City performance and maintenance bond(s) with adequate sureties acceptable to the City and which meet the requirements of the City's subdivision regulations, and for not less than the face amount of the projected costs of the component of Work the Developer intends to perform or cause to be performed, as established by the Engineers, which guarantee the Developer's due and proper completion of the Work and the proper maintenance and repair of the same during the two-year warranty period described above (the "Bonds"). In lieu of a Bond to guarantee Developer's performance of its completion and warranty obligations under this Agreement, Developer may provide to the City an irrevocable standby commercial letter of credit ("Letter of Credit") issued by a bank or financial institution with assets of no less than \$200 million, for not less than the face amount of the projected costs of the Work, as established by the Engineers, at all times during the construction period, and 15% thereof during the two-year warranty period described above, and otherwise upon terms and conditions as are acceptable to the City. In the event that Developer sells or transfers all or any portion of the Site to any other developer or user, the Bond or Letter of Credit initially provided to the City by Developer will be released by the City when and if a substitute Bond or Letter of Credit to guarantee performance of the then remaining Work and the warranties and which meets the foregoing requirements is provided to the City by Developer's transferee.

5.4 Costs. Developer shall be solely responsible for the costs and expenses of designing the Work and preparation of the Plans and the installation and construction of the Work, and the City shall have no obligation to share in or contribute towards such costs. Developer shall timely pay all cost and expenses of acquiring, installing and constructing the Work and shall not allow any mechanic's, materialmen's or similar liens to be asserted against the public rights-of-way of easements. Developer shall obtain all building and other required permits, and shall be responsible and pay for all customary fees for applications, permits, and inspections for the Work, as established by the City from time to time.

5.5 Insurance. Through the completion of any applicable warranty period related to the final Work, Developer shall maintain or cause to be maintained commercial general liability, automobile liability, worker's compensation and employer's liability insurance and professional liability insurance against negligent acts, errors or omissions of Developer or its consultants and those for whom they are legally responsible, in policy amounts and from insurers acceptable to the City. Such policies of insurance shall be in full force and effect to protect Developer from claims under worker's compensation acts, claims for damages for personal injury or death and for damages to property arising from the negligent acts, errors or omissions of Developer or its

employees, agents and consultants in the performance of the services covered by this Agreement, including without limitation risks insured against in commercial general liability policies. Prior to commencing the Work, Developer shall provide the City with certificates of insurance evidencing that all required insurance is in effect.

5.6 Liability. Developer shall be and remain liable to the City for any damages caused by Developer's, its consultants', agents', employees', and contractors' acts, errors, omissions, and/or negligence in performing under this Agreement and designing and constructing the Work. Developer hereby agrees to defend, indemnify, and hold the City harmless from and against any and all claims, losses, damages, costs, and expenses (including attorneys' fees) arising out of or related to Developer's, its consultants', agents', employees', and contractors' performance under this Agreement and their design and/or construction of the Work. In no event will the City be responsible for Developer's failure to carry out the Work in accordance with this Agreement or the Standards. Neither the City's review nor approval of the Plans or Work will be construed to operate as a waiver of any right under this Agreement nor any remedy the City may have under applicable law.

5.7 Maintenance. Developer shall provide maintenance responsibility for the Work, including all storm water controls on the Site, until such time as the Work is finally approved by the City as provided herein. The Blockades shall be properly maintained by Developer at all times to and until all the Curbing Work has been completed and approved by the City.

5.8 City's Inspection Rights.

(a) Developer shall engage a company to undertake independent construction inspection on all work and materials incorporated into the Work. Furthermore, at all times during the course of construction of the Work, the City's staff shall have the unimpaired right to enter upon the Site and inspect the course of construction to ensure that the Work is being properly completed and installed in a good and workmanlike fashion and in strict conformity with the Plans. The City shall notify Developer of any deficiencies in construction or noncompliance with the Plans discovered by the City. Developer shall cause its contractors to rectify or, if necessary, replace the deficient or noncompliant component of the Work. Developer shall not approve any change orders or construction change directives without the prior written approval of the City.

(b) Notwithstanding anything in this Agreement to the contrary, nor the exercise of any inspection or approval rights, the City will not have control over or charge of, and will not be responsible for, construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work of, since these are solely the Developer's responsibility. The City will not have control over or charge of and will not be responsible for acts or omissions of Developer, its contractors or subcontractors, or its or their agents or employees, or of any other persons performing portions of the Work.

5.9 No Interest. Notwithstanding its construction as provided herein, Developer shall gain no interest in the constructed Work on or within City easements or rights-of-way. The City shall not be obligated to keep the constructed Work in place if the City, in its sole discretion, determines removal or modification of the Work is in the best interests of the City. If the City decides to remove or otherwise modify the Work, Developer shall not be entitled to a refund of the funds expended by Developer pursuant to this Agreement.

6. **Restricted Access to Adjoining Streets.** Developer acknowledges and agrees that there shall be no curb-cuts or access authorizations from the boundaries of the Site onto Chestnut Street or Washington Street which are within one hundred feet (100') of the Washington Street and Chestnut Street intersection (the "Restricted Access Areas"). Developer, on behalf of itself and its grantees and successors to the Site, hereby relinquishes and waives any abutter's rights of access or similar rights and privileges it may otherwise have under law or in equity to gain access to Washington Street and/or Chestnut Street within the Restricted Access Areas. The Replat shall reflect and identify the Restricted Access Areas.

7. **Stormwater Management.** Developer acknowledges and agrees that as a condition to obtaining any building permit or undertaking any development or construction of improvements on the Site, it must have prepared, at its expense and by licensed, experienced and reputable civil engineers, and submit to the City for its review, comment and approval, a master stormwater drainage plan for the entire proposed development of the Site (or such lesser portion of the Site as the City may permit). Such drainage plan must detail the means and Work for the diversion, collection and transportation of stormwater runoff from the development into the City's public stormwater system adjoining or located near the Site, in a manner which the City finds reasonably acceptable in accordance with the City's standards and practices and generally accepted stormwater management standards and practices.

8. **Notices.** Any notice, request, instruction or other document to be given hereunder after the date hereof by any party hereto to any other party shall be in writing and shall be sufficient in all respects if delivered personally or sent by registered or certified United States mail, postage prepaid, to the parties at the following addresses:

To the City:

City of Junction City Kansas  
Attn. City Clerk  
700 N. Jefferson Street  
Junction City, KS 66441  
(T): 785-238-3103  
(F): 785-\_\_\_\_\_

With a copy to:

Catherine Logan  
Lathrop & Gage, LLP  
10851 Mastin Blvd., Bldg. 82, Suite 1000  
Overland Park, KS 66210  
(T) 913-451-5168  
(F) 913-451-0875

To Developer

Crown Investment Company  
Attn: Lowell Kohlmeier  
1010 Westloop  
Manhattan, Kansas 66502  
(T) 785-587-4000  
(F) 785-587-4010

With a copy to:

Steven R. Struebing, Esq.  
Weary Davis, LC  
819 N. Washington Street  
Junction City, Kansas 66441  
(T) 785-762-2210  
(F) 785-238-3880

The above addresses may be changed at any time by the parties by notice given in the manner provided above.

9. **Default.**

9.1 **Time of Essence.** Each party acknowledges that time shall be of the essence in the performance of its obligations under this Agreement and that each of the parties shall be expending considerable funds, committing administrative time at a substantial cost, and making contractual obligations with third parties, all in reliance upon and in anticipation of the timely performance by the other parties of their respective duties and obligations under this Agreement.

9.2 **Remedies.** In the event of a default by any party of this Agreement, the aggrieved parties may pursue any and all remedies available under law or in equity against the defaulting party, including, without limitation, recovery of damages or specific performance of the defaulting party's obligations, and/or enforcement by the City of Developer's warranties, the Bonds, or Letter of Credit.

10. **Miscellaneous Provisions.**

10.1 **Necessity of Formal Action by City.** Nothing contained in this Agreement shall be deemed to obligate the City or any of its various departments, boards or agencies, acting within their respective governmental capacities, to formally approve any action, issue any permit, enact or adopt any ordinance or resolution, or take any other legislative or quasi-judicial action related to any development within the Site by the Developer, including any rezoning, acceptance of plats or vacation of public streets or alleys. Any such approvals, permits or actions by the City shall be made, issued or enacted only pursuant to formal action duly conducted by the City's governing body, or applicable board or agency, to the extent so required by the City's ordinances, subdivision and zoning regulations, and procedural requirements and the applicable laws of the State of Kansas.

10.2 **Force Majeure.** In the event any party to this Agreement shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the any government authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, war terrorism or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement, then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The provisions of this Section shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

10.3 Organization and Due Authorization Covenants of Parties.

(a) Representations and Warranties of Developer. Developer represents and warrants to the City that it is a corporation duly organized and in good standing under the laws of the State of Kansas. The execution, delivery and performance by Developer of this Agreement are within Developer's powers and have been duly authorized by all necessary action of Developer. This Agreement is the legal, valid and binding obligation of Developer, enforceable against Developer in accordance with the terms hereof.

(b) Representations and Warranties of the City.

(i) Authority. The execution, delivery and performance by the City of this Agreement are within its powers and have been duly authorized by all necessary action.

(ii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the ordinances, rules, regulations of the City or the laws of the State of Kansas nor result in a breach, conflict with or be inconsistent with any terms, covenants, conditions or provisions of any indenture, agreement or other instrument by which the City is bound or to which the City is subject.

(iii) No Consents. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or governmental authority or regulatory body or third party is required for the due execution and delivery by the City of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or governmental authority or regulatory body or third party is required for the performance by the City of this Agreement or the consummation of the transactions contemplated hereby.

(iv) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of the City enforceable against the City in accordance with its terms.

10.4 Amendments. This Agreement may be amended, changed or modified only by a written agreement duly authorized and executed by each party to this Agreement.

10.5 Construction and Enforcement. This Agreement shall be construed and enforced in accordance with the laws of the State of Kansas.

10.6 Invalidity of Any Provisions. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

10.7 Headings. The Article and Section headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.

10.8 Execution of Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

10.9 Time. Time is of the essence in this Agreement.

10.10 Consents and Approvals. Wherever in this Agreement it is provided that any party shall, may or must give its approval or consent, such party shall not, unless specifically herein provided otherwise, unreasonably withhold, condition, delay or refuse to give such approvals or consents. It is agreed, however, that the sole right and remedy for any party in any legal action concerning the another party's reasonableness will be an action for declaratory judgment and/or specific performance, and in no event shall the aggrieved party be entitled to claim consequential or monetary damages of any type or nature in any such action.

10.11 Supersedes Other Agreements. This Agreement reflects the entire Agreement between the City and Developer to the public improvements serving the Site and supersedes any other agreements, written or verbal, between the parties regarding the same. This Agreement shall be amended only by written instrument signed by each of the parties and delivered to one another.

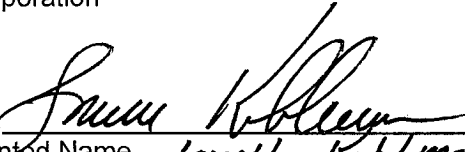
10.12 No Joint Venture. Nothing in this Agreement is intended, nor shall this Agreement be construed to create, an expressed or implied partnership or joint venture between the City and Developer for the installation of the Work or the development of the Site. Neither party shall have any authority to commit for or legally bind the other party, except to the extent otherwise provided for in this Agreement.

11. Binding Effect. The agreements and obligations under this Agreement shall extend to and bind the parties and their respective grantees, successors and assigns. Developer shall have the right to sell all or any portion of the Site to any third party at any time after execution of this Agreement, but any such sale and conveyance shall be expressly subject to the terms, conditions, duties and obligations imposed on Developer under this Agreement. Developer, at its cost and expense, shall record this Agreement against all of the Site with the Office of the Register of Deeds of Geary County, Kansas. The provisions of this Agreement, including but not limited to the warranty obligations set forth herein, shall survive termination or expiration of this Agreement and/or final approval by the City of the Work.

***(The remainder of this page is intentionally left blank—signature page to follow.)***

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

**Crown Investment Company, a Kansas corporation**

By:   
Printed Name Lowell Kohlmeier  
Title: Agent

"Developer"

**ATTEST:**

**The City of Junction City, Kansas,  
a Kansas municipal corporation**

\_\_\_\_\_  
Tyler Ficken, City Clerk

By: \_\_\_\_\_  
Pat Landes, Mayor

"City"

**Backup material for agenda item:**

- b. Consideration of Ordinance S-3108 a request of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit to allow the establishment of a motor vehicle towing, storage, repair and related activities in an existing commercial building on property at 2405 North Jackson, Junction City, Kansas. Planning & Zoning Director Yearout presenting (First Reading).



# City of Junction City

## City Commission

### Agenda Memo

May 15, 2012

**From:** David L. Yearout, AICP, Director of Planning and Zoning

**To:** City Commission & Gerry Vernon, City Manager

**Subject:** Case No. SUP-04-01-12 – Granting a Special Use Permit for the establishment of a motor vehicle towing, storage, repair and related activities in an existing commercial building on property at 2405 North Jackson – (S-3108)

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**Issue:** Consideration of request of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit to allow the establishment of a motor vehicle towing, storage, repair and related activities in an existing commercial building on property at 2405 North Jackson, Junction City, Kansas. This is the former maintenance building used by Konza Construction and is presently vacant. Mr. Mulvey plans to establish his wrecker service, D and D Wrecker, at this location where he will store the vehicles inside the building, do minor repairs to those vehicles, and ultimately conduct auction sales of those vehicles.

**Explanation of Issue:** The Metropolitan Planning Commission held a public hearing on April 12, 2012, to consider this request. By unanimous vote, the MPC has recommended the rezoning be granted.

**Alternatives:** In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the Ordinance as so modified, thereby rezoning the property subject to said changes.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not rezone the property.

**Special Considerations:** No one spoke in opposition to this request, but there were some questions initially raised by neighboring property owners.

**Staff Recommendation:** Accept the recommendation of the MPC and approve the Ordinance, thereby granting the Special Use Permit.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3108, an ordinance granting a Special Use Permit to David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit to allow the establishment of a motor vehicle towing, storage, repair and related activities in an existing commercial building on property at 2405 North Jackson, Junction City, Kansas, be approved on first reading.

Commissioner \_\_\_\_\_ seconded the motion.

**Enclosures:**

MPC Minutes of April 12, 2012  
Staff Report  
Ordinance S-3108

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

**MINUTES**

April 12, 2012  
7:00 p.m.

**Members  
(Present)**

Brandon Dibben  
Maureen Gustafson  
John Moyer  
Mike Ryan  
Mike Watson  
Mike Steinfort

**Members  
(Absent)**

Ken Mortensen

**Staff**

David Yearout  
Shari Lenhart

**1. CALL TO ORDER AND ROLL CALL**

Chairman Steinfort called the meeting to order at 7:00 p.m. and noted all members present except Commissioner Mortensen.

**2. APPROVAL OF MINUTES**

Commissioner Moyer moved to approve the minutes of the March 8, 2012, meeting as written. Commissioner Watson seconded the motion and it passed unanimously.

**3. OLD BUSINESS - None**

**4. NEW BUSINESS**

**Item No. 1 – Case No. Z-04-01-12 - Public Hearing to Rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District.**

Chairman Steinfort opened the public hearing on the application filed by John York, agent, on behalf of Sally Jardine, owner, requesting to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District at 701 Allen Drive, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated this is another situation where a “house” is in a commercial district and is being hindered in a sale because of that. In this instance, the house was converted to a barber shop a number of years ago, however, the shop has not operated for some time and the potential buyer now wishes to re-establish it for residential purposes again. There is a cluster of homes along Allen Street and to the area north and west of this property along 8<sup>th</sup> Street and Eisenhower that are used residentially but are currently zoned commercial.

Mr. Yearout stated staff is recommending the rezoning as requested because the actual use of the property as a residence is not out of character with the neighborhood, the home is not conducive for a commercial use because of the size of both the home and the lot, and there is a continued demand for housing within the community.

Commissioner Moyer asked why staff was recommending the multi-family zone rather than a single-family zone. Mr. Yearout explained the "RM" zone provides the smallest minimum lot size for a single family home. The platted lots are small and development of a duplex or multi-family structure is not likely to happen unless several lots were acquired and the existing single-family homes were razed. The "RM" zone will at least allow a single family home to be in conformity with the zoning regulations.

There being no further questions of staff, Chairman Steinfert opened the hearing for public comments.

John York stated he was acting on behalf of the property owner. Mr. York said the barber shop was started in 1996 and closed in either 2004 or 2005. Mrs. Jardine has had two contracts to sell the property; however, they backed out because the property was zoned commercial and loans could not be secured. She now has another prospective buyer but the sale is contingent upon the property being rezoned for residential use. No structural changes were made when the home was used as a barber shop; however, Mrs. Jardine has recently had the kitchen and bathroom remodeled. The structure is too small for any significant commercial use and is best suited for residential.

There being no other public appearances, Chairman Steinfert closed the public hearing.

A brief discussion between Staff and Commissioners ensued regarding the similarity between this case and the one that instigated the 7<sup>th</sup> Street rezoning. Also the issue with the remaining residential homes currently zoned commercial. Even though this home is bordered by commercial uses to the south and west; the size of the lot and the general location make the likelihood of this particular building ever having a viable commercial use very slim.

Commissioner Gustafson moved that Case No. Z-04-01-12, concerning the request of John York, agent, on behalf of Sally Jardine, owner, to rezone from "CSP" Special Commercial District to "RM" Multiple Family Residential District the property at 701 Allen Drive, Junction City, Kansas, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Ryan seconded the motion and it passed unanimously.

**Item No. 2 – Case No. SUP-04-01-12 – Public hearing for a Special Use Permit for motor vehicle towing, storage and repair business in the "IL" Light Industrial District.**

Chairman Steinfert opened the public hearing on the application of David L. Mulvey, agent, for Konza Investments, Inc., owner, requesting a Special Use Permit for towing, storage, repair, and related activities of motor vehicles at 2405 North Jackson, Geary County, Kansas, and asked for the staff report.

Mr. Yearout informed the Commission the notice for the public hearing incorrectly stated this property was zoned "IH" Heavy Industrial. The property in question is zoned "IL" Light Industrial. Mr. Yearout stated the case can go forward without any harm to the process from this "clerical error". There is, however, a serious issue of the legal description provided by the applicant. As explained in the staff report, the property owner, Konza Investments, inadvertently

provided Mr. Mulvey with the wrong legal. The correct legal description for the property will need to be provided before this matter can go to the City Commission for any final action.

Mr. Yearout stated that Mr. Mulvey operates a vehicle towing business. This type of business encompasses the towing of abandoned/wrecked vehicles to a storage location. The aspects involved with Mr. Mulvey's business are permitted in the "IH" Heavy Industrial District and he has sought such a location within Junction City for many months but has been unsuccessful. Last year the regulations were amended to accommodate this type of operation either in the "IH" Heavy Industrial District or through the Special Use Permit process. A specific use can be allowed without resorting to a more intensive zoning which would allow potentially undesirable uses at a location. Staff believes this is the best way to deal with this use.

Mr. Mulvey has indicated he plans to use the existing building to store, repair and auction abandoned vehicles. The applicant has stated all aspects of the business will be inside the building. He has indicated he plans to install privacy fencing along the property line adjoining Mr. Brown's property. No other construction is anticipated. All of the outside area is paved in compliance with City Code requirements. Mr. Yearout stated if this location is approved for this business, it will allow Mr. Mulvey to register with the police and sheriff's departments to handle and dispose of wrecked/abandoned vehicles.

Mr. Yearout stated a major factor in this case is compatibility of the proposed use with surrounding land uses. In staff's opinion, Mr. Mulvey's business will not cause any more of an impact than the sand/gravel and the asphalt/concrete businesses in the vicinity.

Mr. Yearout stated that staff is recommending approval of Mr. Mulvey's request for a Special Use Permit at 2405 North Jackson, subject to no outside storage of towed and inoperable vehicles; a 6-foot privacy fence be installed along the common property line with Mr. Brown's property; and the correct legal description be provided.

Commissioner Watson asked if KDHE has looked at this location for all their requirements. Mr. Yearout stated he had been informed by the applicant that KDHE had approved the location, but Mr. Mulvey can address that better.

There being no other questions of staff, Chairman Steinfert opened the hearing for public comments.

Mr. David Mulvey, 331 West 1<sup>st</sup> Street, stated he is the owner of D & D Wrecker Service, and has been looking for a location within the City for the past couple of years. This property was previously used as a repair shop by Konza. The building is approximately 18,000 square feet in area with concrete floor, which meets all of KDHE requirements. There is room for approximately 200 cars inside the building. However, the number will vary because he plans to get into a rotation of holding an auction two or three times a year, depending on the demand. Mr. Mulvey stated his plan is to purchase an additional 2 to 3 trucks and to have up to 15 employees within the next couple of years.

Commissioner Gustafson asked about how all the environmental issues were handled regarding contaminant fluids, if he had any issues with the stipulations recommended by staff to be attached to the Special Use Permit, and the concern about outside becoming a storage area for tires. Commissioner Gustafson indicated she had received a personal call regarding potential outside storage. She indicated to the caller that all vehicles would be kept inside the building and wanted to make sure that Mr. Mulvey would not be storing tires or any other vehicle parts outside the building.

Mr. Mulvey explained that KDHE did not consider oil as a contaminant, but anti-freeze and other fluids must be handled in conformance to their standards. For example, at a wreck site they would put a drying compound on any oil/fluid spills. Any fluids drained during repair are stored in big barrels and periodically picked up by a disposal company. He stated there was no objection to installing the required privacy fence. Mr. Mulvey explained that his business does not get into the "salvaging" of vehicles. He reiterated that no vehicles, tires, or parts would be stored outside the building. Mr. Yearout confirmed that Mr. Mulvey's business does not entail tearing vehicles apart for salvage. The term "salvage" should not have been used by staff in earlier reports.

There being no other appearances, Chairman Steinfert closed the public hearing.

Commissioner Moyer moved that Case No. SUP-04-01-12, the application of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit on property zoned "IL" Light Industrial District to allow motor vehicle towing, storage, repair and related activities at 2405 North Jackson, Junction City, Kansas, be recommended for approval by the City Commission of Junction City subject to conditions stated in the staff report and as reported at this hearing, based on the findings outlined in the staff report and as presented at this public hearing. Commissioner Watson seconded the motion and it carried unanimously.

**Item No. 3 – Case No. GCCU-04-01-12 – Public hearing requesting a Conditional Use Permit to operate a salvage business in the "AG" District.**

Chairman Steinfert opened the public hearing on the application of Bernard Rosey, owner, seeking a Conditional Use Permit to operate a salvage business on property located at 20355 Rosey Loop Road, Alta Vista, Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated Mr. Rosey was notified in January the relocation of approximately a dozen old mobile homes onto his property was a violation of the Geary County Zoning Regulations and he needed to either remove the mobile homes or seek the proper zoning. Mr. Rosey has admitted to doing a "salvage" operation for years unaware of the zoning violation. He was advised that burning or burying the mobile homes would also constitute violations of the Zoning Regulations as well as other requirements from Emergency Management and Health Department. Mr. Rosey opted to seek a Conditional Use Permit to conduct the salvage operation.

Mr. Yearout stated it is staff's opinion this is not a good location for a salvage operation and is not in the best interest of the County to sanction a salvage operation at this location. Further, Mr. Yearout stated it is staff's opinion this operation is contrary to the intent and purpose of the County Zoning Regulations.

Mr. Yearout stated it appears from the length of time that old mobile homes have been allowed to remain on the property that Mr. Rosey is not actually operating a salvage business, even though he may salvage some of the materials. But this appears to be more of a "hobby" operation that Mr. Rosey does when he is in need of some money, rather than an actual business. This is substantiated, in staff's opinion, by the large number of other mobile homes that have been discarded further out in the pasture.

In staff's opinion, Blixt Construction in Chapman, Kansas, should be the manner in which a salvage operation is operated, which includes the disposal of mobile homes and any number of other materials is done.

In conclusion, it is staff's opinion the accumulation of the mobile homes and other materials on the property is detrimental and has a negative impact on the surrounding properties. As such, this request should be denied.

Mr. Yearout also stated there have been numerous calls from property owners in the area opposed to a salvage operation at this location. They were all encouraged to attend this public hearing, but staff is unaware if they are here.

Mr. Yearout stated he had received an e-mail earlier in the day from Mr. Jim Neill, 20224 Welcome Cemetery Road, stating he would be unable to attend due to another commitment and that he indicated he was not in favor of Mr. Rosey's request for a Conditional Use Permit to operate a salvage business at 20355 Rosey Loop Road. A copy of the e-mail was provided to each Commissioner.

Commissioner Moyer asked what the State and KDHE requirements would be for Mr. Rosey to operate an actual landfill. Mr. Yearout indicated he was not familiar with all the federal or state laws for the establishment of a landfill. Geary County has no actual "landfill," it operates a transfer station in Junction City and the solid waste is transported to a landfill in Jefferson County, Kansas. For a landfill to be established on Mr. Rosey's property many other approvals would have to be obtained, including acceptance by KDHE.

There being no further questions of staff, Chairman Steinfert opened the hearing for public comment.

Bernard Rosey, 20335 Rosey Loop, Alta Vista, Kansas, stated he did not know this law existed and that he has been doing this for 30-45 years. Someone from Manhattan brought out a bunch of old mobile homes just like has been done in the past. He stated he really doesn't want a salvage yard and that he will eventually get everything cleaned up.

Bernard Rosey, Jr., 2880 SE Avenue, Topeka, Kansas, stated that they begun to clean up the yard some and will continue to do that as weather permits. He comes to the property to help his father on weekends.

Ken Kemp, 6465 Rosey Loop, stated he is not happy with the dumping of mobile homes. If he tried to sell his property he believes the old mobile homes probably negatively impact the area enough that people would just turn around and go home. He stated he believes it looks like a crime zone. He stated he understands that all people living in a rural area have junk and other materials to some degree, but this is not the place for a salvage or landfill operation. He stated some of the old mobile homes have been there for a few months and others for several years. He stated he is opposed to the request and wants the area cleaned up.

Mr. Rosey responded that he strips the aluminum and copper from the old mobile home and he also keeps the 2 by 4's and 2 by 6's as good lumber. He just doesn't get completed with the balance of the salvaging as fast as he would like.

Ron Say, 7830 US177 Highway, Alta Vista, stated he lives down stream from Mr. Rosey and after two major rains he has had to clean up the debris that has washed onto his property from the junk on Mr. Rosey's land. The second time he hauled it back to Mr. Rosey. He stated the old mobile homes should be taken to a proper salvage area.

Julie Nelson, 20633 Rosey Loop, said they are the next door neighbors. She knew there was a lot of debris, but when she drove by it really broke her heart because the land is getting

devastated. Ms. Nelson stated she is concerned about possible contamination of their well water and for the kids in the area. She said she agrees with what the staff has put together and there are a lot of reasons a salvage business should not be allowed. The neighbors in the area feel the same way.

There being no further public comment, Chairman Steinfert closed the public hearing.

Commissioner Gustafson asked what the process would be if the Conditional Use Permit is denied.

Mr. Yearout explained that if the County Commission denies Mr. Rosey's request, Mr. Rosey has the right to appeal to District Court within 30 days of that denial. At the expiration of all appeal times, a notice will be sent to Mr. Rosey to abate the violation. The County does have the legal authority to have the area cleaned of debris and bill Mr. Rosey unless the matter is taken to court. Mr. Rosey will be given reasonable time for removing the material. Given past actions on other properties that have similar problems, the County has established a process of monthly inspections to determine that Mr. Rosey is being diligent in cleaning up the property. Provided Mr. Rosey is progressing in an acceptable manner, the County will not invoke a more aggressive action. The condition of this property did not happen over night; therefore, it is in the best interest of all that Mr. Rosey be given the opportunity to remedy the situation in a reasonable manner. The appropriate county agencies involved in this action will be kept apprised of the progress on clean up of the area.

Commissioner Moyer asked what the ultimate decision would be if Mr. Rosey does not get the property cleaned up. Mr. Yearout explained the violation case would be turned over to the County Attorney for prosecution. If a court case is filed, it is up to the judge to determine the next course of action, which could be a fine or jail time. The objective of the County is to remove the violation and not to necessarily collect fines or put people in jail.

There being no further questions or comments from the Commission, Chairman Steinfert called for a motion.

Commissioner Watson moved that Case No. GCCU-04-01-12, the request of Bernard Rosey, owner, seeking a Conditional Use Permit to operate a salvage business on property located at 20355 Rosey Loop Road, Alta Vista, Geary County, Kansas, to establish a mobile home salvage business be recommended for denial by the Board of County Commissioners based for the reasons stated in the staff report and as heard at this public hearing. Commissioner Dibben seconded the motion and it carried unanimously.

Mr. Yearout stated that this case would be considered by the County Commissioners in May, with the actual date to be determined. Mr. Yearout then explained the protest petition process to those in attendance.

## **RECESS AS METROPOLITAN PLANNING COMMISSION AND CONVENE AS BOARD OF ZONING APPEALS**

Commissioner Moyer moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Gustafson seconded the motion and it carried unanimously.

## **5. OLD BUSINESS - None**

**6. NEW BUSINESS**

**Item No. 1 – Case No. BZACU-04-01-12 – Public hearing for a Conditional Use Permit to operate at Day Care Home (max. 10 children) in the “RG” General Residential District.**

Chairman Steinfert opened the public hearing on the application of Kimberlee Stewart, owner, requesting a Conditional Use Permit to operate a Day Care Home in the “RG” General Residential District at 1409 West 14<sup>th</sup> Street, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated the applicant wishes to establish a Day Care Home, which allows up to 10 children. She has two of her own that count toward the total number of children authorized by her KDHE license. This would allow her to keep up to eight children that are not her own. The property is a pie-shaped lot with a small back yard. A portion of the front yard and all of the back yard is fenced.

Mr. Yearout reviewed the staff report which sets out the standards to be considered for a Conditional Use Permit under the City’s Zoning Regulations. However, as outlined in the staff report and to remain consistent with previous recommendations regarding day care homes, staff is recommending denial of the Conditional Use Permit. Mr. Yearout stated that if the Board chooses to approve the request, staff has recommended it be subject to the conditions approved by the Board for previous day care permits.

Mr. Yearout stated that due to the numerous requests of this type, the Board may wish to consider amending the Zoning Regulations to remove Family Day Care Homes and make Day Care Homes allowed by right in the residential districts. He indicated this could be discussed at the end of the meeting.

There being no questions of staff, Chairman Steinfert opened the hearing for public comment.

Kimberlee Stewart, 1409 West 14<sup>th</sup> Street, stated she wished to expand her business to the maximum allowed by her KDHE license and would be glad to answer any questions the Board members may have.

Commissioner Gustafson asked if her property was the one with the sign on the fence. Ms. Stewart indicated that it was. Ms. Stewart stated she had no problem with removing it, if that is one of the conditions of the Permit. In response to additional questions, Ms. Stewart indicated she was caring for four children plus her two. She has had several calls and friends who have asked her to care for their children. The children range in age from 6 months to 4 years old. She received her KDHE license in September of 2011. The home does have a basement but the day care is limited to the main level.

Commissioner Ryan asked if the play equipment in the front yard could be moved to the back yard. Ms. Stewart indicated it could, but the back yard is rather small because of the lot configuration. However, the play equipment in the front yard can be removed at the end of the day.

Reggie Stewart, 1409 West 14<sup>th</sup> Street, stated the only concern he had was the condition that no play equipment could be in the front yard. Because of the odd shape of the back yard, some of the play equipment is located in the front yard. He did explain that none of it is on any permanent foundation and can be removed at the end of the day.



There being no other public comments, Chairman Steinfert closed the public hearing.

Commissioner Watson moved that Case No. BZACU-04-01-12, the request of Kimberlee Steward, owner, requesting a Conditional Use Permit to operate a Day Care Home in the "RG" General Residential District at 1409 West 14<sup>th</sup> Street, Junction City, Kansas, be approved based on the findings at this public hearing and subject to the conditions outlined in the staff report. Commissioner Dibben seconded the motion and it carried unanimously.

## **ADJOURN AS BOARD OF ZONING APPEALS AND RECONVENE AS METROPOLITAN PLANNING COMMISSION**

Commissioner Ryan moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Moyer seconded the motion and it carried unanimously.

### **7. GENERAL DISCUSSION**

Mr. Yearout informed the Commission that the County is going through the five year review of the Solid Waste Master Plan. The main point was to confirm Geary County does not operate a landfill. The population data was updated to accommodate the growth over the past few years. He stated he will write the required letter stating that the Solid Waste Master Plan is consistent with the over all Comprehensive Plan.

Mr. Yearout asked whether there was interest in changing the requirements for Family Day Care Homes in light of the changes made by the State. In 2010, KDHE amended the day care licensing requirements by dropping the Registered Family Day Care Home category and required all providers to be licensed for a Day Care Home. At that time the City opted to maintain the Family Day Care Home category allowed by right in residential districts and require a Conditional Use Permit for everything else. Within the past year, eight Conditional Use cases have been filed with the Board of Zoning Appeals and there are two scheduled for the May meeting. Given the current licensing standards of the State, it is a good assumption the trend to request a Day Care Home will not change. Historically, the Board has allowed the increase from 6 to 10 with three main conditions attached to the Conditional Use Permit. If the Commission chooses to amend the Zoning Regulations by eliminating the Family Day Care Home and allow Day Care Homes by right, a motion to set a public hearing must be made. The regulations can establish performance standards similar to what has become the norm for Conditional Use Permits.

Commissioners discussed the advisability of amending the regulations by eliminating the Family Day Care Home category and allowing the Day Care Home by right subject to meeting performance standards regarding signage, location of permanent playground equipment and the hours of operation.

Commissioner Moyer moved to set a public hearing to consider a text amendment to the City and County Zoning Regulations and direct staff to draft the necessary changes to all appropriate sections with the intent to eliminate the Family Day Care Home category and allow Day Care Homes with performance standards by right at the next meeting. Commissioner Watson seconded the motion and it carried unanimously.

Mr. Yearout questioned whether the Commission wanted to initiate a rezoning for residential properties within the area of Eisenhower and 8<sup>th</sup> Street. He pointed out this would be consistent with the rezoning action taken along 7<sup>th</sup> Street earlier this year. If so, a public hearing date needs to be set.

Commissioner Gustafson moved to set a public hearing to consider rezoning the residential properties in the vicinity of Eisenhower and 8<sup>th</sup> Street from commercial to a residential designation and direct staff to determine the affected properties and publish the required notice of public hearing for the next meeting. Commissioner Moyer seconded the motion and it carried unanimously.

**8. ADJOURNMENT**

There being no further business, Commissioner Gustafson moved to adjourn. Commissioner Moyer seconded the motion and it carried unanimously. Chairman Steinfort declared the meeting adjourned at 8:12 p.m.

**PASSED AND APPROVED** this \_\_\_\_\_ day of May, 2012.

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**Mike Steinfort, Chairman**

**ATTEST:**

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**David L. Yearout, Secretary**



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

April 9, 2012

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, CFM, Director of Planning and Zoning

**SUBJECT:** SUP-04-01-12 – Special Use Permit for David Mulvey, agent for Konza Investments, Inc., owner, to allow motor vehicle towing, repair and related activities at 2405 North Jackson, Junction City, Kansas.

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**Background:**

This is the application of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit on property zoned "IL" Light Industrial District to allow motor vehicle towing, repair and related activities at 2405 North Jackson, Junction City, Kansas. The uses Mr. Mulvey wishes to establish could also be permitted in the "IH" Heavy Industrial Zoning District, and Mr. Mulvey sought such a location for many months but was unable to find a location that would accommodate his operation that did not have other problems associated with it.

The City Zoning Regulations were amended last year in order to accommodate this type of condition through the Special Use Permit process. The Special Use Permit process provides the ability to consider the request for this specific use without resorting to a more intensive rezoning to "IH" Heavy Industrial, which would open the area to much more intensive uses if that was approved.

The notice for the public hearing inadvertently stated this property was zoned "IH" Heavy Industrial. That is not correct, but it is staff's opinion that issue is not fatal to this application and that there is no need to republish for another public hearing at another time. Staff has received a few calls from notified property owners that have identified the error in the legal notice. Staff believes this case can go forward without any harm to the process from this "clerical error."

There is, however, a serious issue that needs to be rectified before the case goes forward. The legal description of the property supposedly being leased by Mr. Mulvey is not correct. According to Kaw Valley Engineering, the legal description provided is of an adjoining property owned by Mr. Brown. There is no evidence of any devious intentions by Konza Investments, Inc., or Mr. Mulvey in this matter; it is simply the wrong legal attached to the lease document. Konza Investments, Inc., apparently did own the land now owned by Mr. Brown and it appears

the wrong legal description was attached to the lease document. Since the legal notice for the public hearing provides a general description of the property and there was no evidence presented by anyone that it was not understood which property was being considered, staff does not believe this to be a fatal error either. However, Mr. Mulvey and Konza Investments, Inc., will need to provide the correct legal description of the property before this matter can go to the City Commission for any final action on the request.

Mr. Mulvey operates a vehicle towing business called "D & D Towing." His plans are to utilize the existing building to house vehicles he tows to this site. Those vehicles that end up being "abandoned" will be prepared for sale on a regular basis. Except for the outside parking of his own vehicles and those of his employees, he says there will be no outside storage of vehicles. Mr. Mulvey has indicated there will be no additional construction at this property beyond the installation of some privacy fencing.

All of the outside area will need to be paved in order to conform to the requirements of City ordinances. This will also minimize dust in the area. As previously stated, Mr. Mulvey intends to install privacy fencing along the property line adjoining Mr. Brown's property.

The larger question is one of compatibility with surrounding land uses. The vehicle towing business can be operated in a manner which does not cause any more of an impact than some of the other uses existing in the area; particularly the sand and gravel businesses and the asphalt and concrete businesses in the vicinity. For this request, the important part will be the limiting of the vehicle storage inside the building, which can be a condition attached to the Special Use Permit. All other aspects of the operation should be no more egregious than the existing businesses noted above.

**Staff Recommendation:**

Staff recommends the application of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit on property zoned "IL" Light Industrial District to allow motor vehicle towing, repair and related activities at 2405 North Jackson, Junction City, Kansas, be recommended for approval, subject to the storage of towed and inoperable vehicles inside the building only, a 6-foot privacy fence be installed along the common property line with Mr. Brown's property, and subject to the correct legal description being provided.

**Suggested Motion:**

I move that Case No. SUP-04-01-12, the application of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit on property zoned "IL" Light Industrial District to allow motor vehicle towing, repair and related activities at 2405 North Jackson, Junction City, Kansas, be recommended for approval by the City Commission of Junction City subject to conditions stated in the staff report, and based on the findings outlined in the staff report and as presented at the public hearing.

**ORDINANCE NO. S-3108**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE ESTABLISHMENT OF A TOWING, STORAGE, REPAIR AND RELATED ACTIVITIES WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.**

WHEREAS, application has been made by the David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit to allow the establishment of a motor vehicle towing, storage, repair and related activities in an existing commercial building on property at 2405 North Jackson, Junction City, Kansas; and,

WHEREAS, the Metropolitan Planning Commission of Junction City and Geary County conducted a public hearing on Case No. SUP-04-01-12, following published notification in accordance with K.S.A. 12-741, et. seq., as amended, on April 12, 2012; and,

WHEREAS, the Metropolitan Planning Commission has recommended that the City Commission of the City of Junction City, Kansas, approve the Special Use Permit to allow the establishment of a motor vehicle towing, storage, repair and related activities in an existing commercial building on property at 2405 North Jackson, Junction City, Kansas, be approved, subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY CITY COMMISSION OF THE CITY OF JUNCTION CITY, KANSAS, THAT:

Section 1. The following described property is hereby granted a Special Use Permit to allow the establishment of a motor vehicle towing, storage, repair and related activities in an existing commercial building on property at 2405 North Jackson, subject to the conditions and restrictions listed herein:

A portion of Lot 7, Block 1, A Replat of Republican River Industrial Park Unit No. 2 and Un-Platted Land to Junction City, Geary County, Kansas.

Section 2. The Special Use Permit herein granted shall be subject to the following conditions and restrictions:

A. All construction shall conform to the requirements of the adopted building codes with respect to mixed use buildings.

Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

3. That this Ordinance shall be in full force and effect from and after it publication once in the official city newspaper.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
PAT LANDES, MAYOR

ATTEST:

\_\_\_\_\_  
TYLER FICKEN, CITY CLERK

**Backup material for agenda item:**

- c. Consideration of request John York, agent, on behalf of Sally Jardine, owner, to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District the property located at 701 Allen Drive, Junction City, Kansas.

# City of Junction City

## City Commission

### Agenda Memo

May 15, 2012

**From:** David L. Yearout, AICP, Director of Planning and Zoning

**To:** City Commission & Gerry Vernon, City Manager

**Subject:** Case No. Z-04-01-12 – Rezoning of property at 701 Allen Street from “CSP” Special Commercial District to “RM” Multiple Family Residential District – (S-3107)

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**Issue:** Consideration of request John York, agent, on behalf of Sally Jardine, owner, to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District the property located at 701 Allen Drive, Junction City, Kansas. This is the former house that was converted to a barber shop a number of years ago. The barber shop has not operated for some time and the owner wishes to use the property for residential purposes again.

**Explanation of Issue:** The Metropolitan Planning Commission held a public hearing on April 12, 2012, to consider this request. By unanimous vote, the MPC has recommended the rezoning be granted.

**Alternatives:** In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the Ordinance as so modified, thereby rezoning the property subject to said changes.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not rezone the property.

**Special Considerations:** No one spoke in opposition to this request.

**Staff Recommendation:** Accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3107, an ordinance rezoning from “CSP” Special Commercial District to “RM” Multiple Family Residential District, the property located at 701 Allen Street, Junction City, Kansas, be approved on first reading.

Commissioner \_\_\_\_\_ seconded the motion.

**Enclosures:**

MPC Minutes of April 12, 2012  
Staff Report  
Ordinance S-3107

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

**MINUTES**

April 12, 2012  
7:00 p.m.

**Members  
(Present)**

Brandon Dibben  
Maureen Gustafson  
John Moyer  
Mike Ryan  
Mike Watson  
Mike Steinfort

**Members  
(Absent)**

Ken Mortensen

**Staff**

David Yearout  
Shari Lenhart

**1. CALL TO ORDER AND ROLL CALL**

Chairman Steinfort called the meeting to order at 7:00 p.m. and noted all members present except Commissioner Mortensen.

**2. APPROVAL OF MINUTES**

Commissioner Moyer moved to approve the minutes of the March 8, 2012, meeting as written. Commissioner Watson seconded the motion and it passed unanimously.

**3. OLD BUSINESS - None**

**4. NEW BUSINESS**

**Item No. 1 – Case No. Z-04-01-12 - Public Hearing to Rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District.**

Chairman Steinfort opened the public hearing on the application filed by John York, agent, on behalf of Sally Jardine, owner, requesting to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District at 701 Allen Drive, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated this is another situation where a “house” is in a commercial district and is being hindered in a sale because of that. In this instance, the house was converted to a barber shop a number of years ago, however, the shop has not operated for some time and the potential buyer now wishes to re-establish it for residential purposes again. There is a cluster of homes along Allen Street and to the area north and west of this property along 8<sup>th</sup> Street and Eisenhower that are used residentially but are currently zoned commercial.



Mr. Yearout stated staff is recommending the rezoning as requested because the actual use of the property as a residence is not out of character with the neighborhood, the home is not conducive for a commercial use because of the size of both the home and the lot, and there is a continued demand for housing within the community.

Commissioner Moyer asked why staff was recommending the multi-family zone rather than a single-family zone. Mr. Yearout explained the "RM" zone provides the smallest minimum lot size for a single family home. The platted lots are small and development of a duplex or multi-family structure is not likely to happen unless several lots were acquired and the existing single-family homes were razed. The "RM" zone will at least allow a single family home to be in conformity with the zoning regulations.

There being no further questions of staff, Chairman Steinfert opened the hearing for public comments.

John York stated he was acting on behalf of the property owner. Mr. York said the barber shop was started in 1996 and closed in either 2004 or 2005. Mrs. Jardine has had two contracts to sell the property; however, they backed out because the property was zoned commercial and loans could not be secured. She now has another prospective buyer but the sale is contingent upon the property being rezoned for residential use. No structural changes were made when the home was used as a barber shop; however, Mrs. Jardine has recently had the kitchen and bathroom remodeled. The structure is too small for any significant commercial use and is best suited for residential.

There being no other public appearances, Chairman Steinfert closed the public hearing.

A brief discussion between Staff and Commissioners ensued regarding the similarity between this case and the one that instigated the 7<sup>th</sup> Street rezoning. Also the issue with the remaining residential homes currently zoned commercial. Even though this home is bordered by commercial uses to the south and west; the size of the lot and the general location make the likelihood of this particular building ever having a viable commercial use very slim.

Commissioner Gustafson moved that Case No. Z-04-01-12, concerning the request of John York, agent, on behalf of Sally Jardine, owner, to rezone from "CSP" Special Commercial District to "RM" Multiple Family Residential District the property at 701 Allen Drive, Junction City, Kansas, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Ryan seconded the motion and it passed unanimously.

**Item No. 2 – Case No. SUP-04-01-12 – Public hearing for a Special Use Permit for motor vehicle towing, storage and repair business in the "IL" Light Industrial District.**

Chairman Steinfert opened the public hearing on the application of David L. Mulvey, agent, for Konza Investments, Inc., owner, requesting a Special Use Permit for towing, storage, repair, and related activities of motor vehicles at 2405 North Jackson, Geary County, Kansas, and asked for the staff report.

Mr. Yearout informed the Commission the notice for the public hearing incorrectly stated this property was zoned "IH" Heavy Industrial. The property in question is zoned "IL" Light Industrial. Mr. Yearout stated the case can go forward without any harm to the process from this "clerical error". There is, however, a serious issue of the legal description provided by the applicant. As explained in the staff report, the property owner, Konza Investments, inadvertently

provided Mr. Mulvey with the wrong legal. The correct legal description for the property will need to be provided before this matter can go to the City Commission for any final action.

Mr. Yearout stated that Mr. Mulvey operates a vehicle towing business. This type of business encompasses the towing of abandoned/wrecked vehicles to a storage location. The aspects involved with Mr. Mulvey's business are permitted in the "IH" Heavy Industrial District and he has sought such a location within Junction City for many months but has been unsuccessful. Last year the regulations were amended to accommodate this type of operation either in the "IH" Heavy Industrial District or through the Special Use Permit process. A specific use can be allowed without resorting to a more intensive zoning which would allow potentially undesirable uses at a location. Staff believes this is the best way to deal with this use.

Mr. Mulvey has indicated he plans to use the existing building to store, repair and auction abandoned vehicles. The applicant has stated all aspects of the business will be inside the building. He has indicated he plans to install privacy fencing along the property line adjoining Mr. Brown's property. No other construction is anticipated. All of the outside area is paved in compliance with City Code requirements. Mr. Yearout stated if this location is approved for this business, it will allow Mr. Mulvey to register with the police and sheriff's departments to handle and dispose of wrecked/abandoned vehicles.

Mr. Yearout stated a major factor in this case is compatibility of the proposed use with surrounding land uses. In staff's opinion, Mr. Mulvey's business will not cause any more of an impact than the sand/gravel and the asphalt/concrete businesses in the vicinity.

Mr. Yearout stated that staff is recommending approval of Mr. Mulvey's request for a Special Use Permit at 2405 North Jackson, subject to no outside storage of towed and inoperable vehicles; a 6-foot privacy fence be installed along the common property line with Mr. Brown's property; and the correct legal description be provided.

Commissioner Watson asked if KDHE has looked at this location for all their requirements. Mr. Yearout stated he had been informed by the applicant that KDHE had approved the location, but Mr. Mulvey can address that better.

There being no other questions of staff, Chairman Steinfert opened the hearing for public comments.

Mr. David Mulvey, 331 West 1<sup>st</sup> Street, stated he is the owner of D & D Wrecker Service, and has been looking for a location within the City for the past couple of years. This property was previously used as a repair shop by Konza. The building is approximately 18,000 square feet in area with concrete floor, which meets all of KDHE requirements. There is room for approximately 200 cars inside the building. However, the number will vary because he plans to get into a rotation of holding an auction two or three times a year, depending on the demand. Mr. Mulvey stated his plan is to purchase an additional 2 to 3 trucks and to have up to 15 employees within the next couple of years.

Commissioner Gustafson asked about how all the environmental issues were handled regarding contaminant fluids, if he had any issues with the stipulations recommended by staff to be attached to the Special Use Permit, and the concern about outside becoming a storage area for tires. Commissioner Gustafson indicated she had received a personal call regarding potential outside storage. She indicated to the caller that all vehicles would be kept inside the building and wanted to make sure that Mr. Mulvey would not be storing tires or any other vehicle parts outside the building.

Mr. Mulvey explained that KDHE did not consider oil as a contaminant, but anti-freeze and other fluids must be handled in conformance to their standards. For example, at a wreck site they would put a drying compound on any oil/fluid spills. Any fluids drained during repair are stored in big barrels and periodically picked up by a disposal company. He stated there was no objection to installing the required privacy fence. Mr. Mulvey explained that his business does not get into the "salvaging" of vehicles. He reiterated that no vehicles, tires, or parts would be stored outside the building. Mr. Yearout confirmed that Mr. Mulvey's business does not entail tearing vehicles apart for salvage. The term "salvage" should not have been used by staff in earlier reports.

There being no other appearances, Chairman Steinfert closed the public hearing.

Commissioner Moyer moved that Case No. SUP-04-01-12, the application of David Mulvey, agent for Konza Investments, Inc., owner, requesting a Special Use Permit on property zoned "IL" Light Industrial District to allow motor vehicle towing, storage, repair and related activities at 2405 North Jackson, Junction City, Kansas, be recommended for approval by the City Commission of Junction City subject to conditions stated in the staff report and as reported at this hearing, based on the findings outlined in the staff report and as presented at this public hearing. Commissioner Watson seconded the motion and it carried unanimously.

**Item No. 3 – Case No. GCCU-04-01-12 – Public hearing requesting a Conditional Use Permit to operate a salvage business in the "AG" District.**

Chairman Steinfert opened the public hearing on the application of Bernard Rosey, owner, seeking a Conditional Use Permit to operate a salvage business on property located at 20355 Rosey Loop Road, Alta Vista, Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated Mr. Rosey was notified in January the relocation of approximately a dozen old mobile homes onto his property was a violation of the Geary County Zoning Regulations and he needed to either remove the mobile homes or seek the proper zoning. Mr. Rosey has admitted to doing a "salvage" operation for years unaware of the zoning violation. He was advised that burning or burying the mobile homes would also constitute violations of the Zoning Regulations as well as other requirements from Emergency Management and Health Department. Mr. Rosey opted to seek a Conditional Use Permit to conduct the salvage operation.

Mr. Yearout stated it is staff's opinion this is not a good location for a salvage operation and is not in the best interest of the County to sanction a salvage operation at this location. Further, Mr. Yearout stated it is staff's opinion this operation is contrary to the intent and purpose of the County Zoning Regulations.

Mr. Yearout stated it appears from the length of time that old mobile homes have been allowed to remain on the property that Mr. Rosey is not actually operating a salvage business, even though he may salvage some of the materials. But this appears to be more of a "hobby" operation that Mr. Rosey does when he is in need of some money, rather than an actual business. This is substantiated, in staff's opinion, by the large number of other mobile homes that have been discarded further out in the pasture.

In staff's opinion, Blixt Construction in Chapman, Kansas, should be the manner in which a salvage operation is operated, which includes the disposal of mobile homes and any number of other materials is done.

In conclusion, it is staff's opinion the accumulation of the mobile homes and other materials on the property is detrimental and has a negative impact on the surrounding properties. As such, this request should be denied.

Mr. Yearout also stated there have been numerous calls from property owners in the area opposed to a salvage operation at this location. They were all encouraged to attend this public hearing, but staff is unaware if they are here.

Mr. Yearout stated he had received an e-mail earlier in the day from Mr. Jim Neill, 20224 Welcome Cemetery Road, stating he would be unable to attend due to another commitment and that he indicated he was not in favor of Mr. Rosey's request for a Conditional Use Permit to operate a salvage business at 20355 Rosey Loop Road. A copy of the e-mail was provided to each Commissioner.

Commissioner Moyer asked what the State and KDHE requirements would be for Mr. Rosey to operate an actual landfill. Mr. Yearout indicated he was not familiar with all the federal or state laws for the establishment of a landfill. Geary County has no actual "landfill," it operates a transfer station in Junction City and the solid waste is transported to a landfill in Jefferson County, Kansas. For a landfill to be established on Mr. Rosey's property many other approvals would have to be obtained, including acceptance by KDHE.

There being no further questions of staff, Chairman Steinfert opened the hearing for public comment.

Bernard Rosey, 20335 Rosey Loop, Alta Vista, Kansas, stated he did not know this law existed and that he has been doing this for 30-45 years. Someone from Manhattan brought out a bunch of old mobile homes just like has been done in the past. He stated he really doesn't want a salvage yard and that he will eventually get everything cleaned up.

Bernard Rosey, Jr., 2880 SE Avenue, Topeka, Kansas, stated that they begun to clean up the yard some and will continue to do that as weather permits. He comes to the property to help his father on weekends.

Ken Kemp, 6465 Rosey Loop, stated he is not happy with the dumping of mobile homes. If he tried to sell his property he believes the old mobile homes probably negatively impact the area enough that people would just turn around and go home. He stated he believes it looks like a crime zone. He stated he understands that all people living in a rural area have junk and other materials to some degree, but this is not the place for a salvage or landfill operation. He stated some of the old mobile homes have been there for a few months and others for several years. He stated he is opposed to the request and wants the area cleaned up.

Mr. Rosey responded that he strips the aluminum and copper from the old mobile home and he also keeps the 2 by 4's and 2 by 6's as good lumber. He just doesn't get completed with the balance of the salvaging as fast as he would like.

Ron Say, 7830 US177 Highway, Alta Vista, stated he lives down stream from Mr. Rosey and after two major rains he has had to clean up the debris that has washed onto his property from the junk on Mr. Rosey's land. The second time he hauled it back to Mr. Rosey. He stated the old mobile homes should be taken to a proper salvage area.

Julie Nelson, 20633 Rosey Loop, said they are the next door neighbors. She knew there was a lot of debris, but when she drove by it really broke her heart because the land is getting

devastated. Ms. Nelson stated she is concerned about possible contamination of their well water and for the kids in the area. She said she agrees with what the staff has put together and there are a lot of reasons a salvage business should not be allowed. The neighbors in the area feel the same way.

There being no further public comment, Chairman Steinfert closed the public hearing.

Commissioner Gustafson asked what the process would be if the Conditional Use Permit is denied.

Mr. Yearout explained that if the County Commission denies Mr. Rosey's request, Mr. Rosey has the right to appeal to District Court within 30 days of that denial. At the expiration of all appeal times, a notice will be sent to Mr. Rosey to abate the violation. The County does have the legal authority to have the area cleaned of debris and bill Mr. Rosey unless the matter is taken to court. Mr. Rosey will be given reasonable time for removing the material. Given past actions on other properties that have similar problems, the County has established a process of monthly inspections to determine that Mr. Rosey is being diligent in cleaning up the property. Provided Mr. Rosey is progressing in an acceptable manner, the County will not invoke a more aggressive action. The condition of this property did not happen over night; therefore, it is in the best interest of all that Mr. Rosey be given the opportunity to remedy the situation in a reasonable manner. The appropriate county agencies involved in this action will be kept apprised of the progress on clean up of the area.

Commissioner Moyer asked what the ultimate decision would be if Mr. Rosey does not get the property cleaned up. Mr. Yearout explained the violation case would be turned over to the County Attorney for prosecution. If a court case is filed, it is up to the judge to determine the next course of action, which could be a fine or jail time. The objective of the County is to remove the violation and not to necessarily collect fines or put people in jail.

There being no further questions or comments from the Commission, Chairman Steinfert called for a motion.

Commissioner Watson moved that Case No. GCCU-04-01-12, the request of Bernard Rosey, owner, seeking a Conditional Use Permit to operate a salvage business on property located at 20355 Rosey Loop Road, Alta Vista, Geary County, Kansas, to establish a mobile home salvage business be recommended for denial by the Board of County Commissioners based for the reasons stated in the staff report and as heard at this public hearing. Commissioner Dibben seconded the motion and it carried unanimously.

Mr. Yearout stated that this case would be considered by the County Commissioners in May, with the actual date to be determined. Mr. Yearout then explained the protest petition process to those in attendance.

## **RECESS AS METROPOLITAN PLANNING COMMISSION AND CONVENE AS BOARD OF ZONING APPEALS**

Commissioner Moyer moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Gustafson seconded the motion and it carried unanimously.

## **5. OLD BUSINESS - None**

**6. NEW BUSINESS**

**Item No. 1 – Case No. BZACU-04-01-12 – Public hearing for a Conditional Use Permit to operate at Day Care Home (max. 10 children) in the “RG” General Residential District.**

Chairman Steinfert opened the public hearing on the application of Kimberlee Stewart, owner, requesting a Conditional Use Permit to operate a Day Care Home in the “RG” General Residential District at 1409 West 14<sup>th</sup> Street, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated the applicant wishes to establish a Day Care Home, which allows up to 10 children. She has two of her own that count toward the total number of children authorized by her KDHE license. This would allow her to keep up to eight children that are not her own. The property is a pie-shaped lot with a small back yard. A portion of the front yard and all of the back yard is fenced.

Mr. Yearout reviewed the staff report which sets out the standards to be considered for a Conditional Use Permit under the City’s Zoning Regulations. However, as outlined in the staff report and to remain consistent with previous recommendations regarding day care homes, staff is recommending denial of the Conditional Use Permit. Mr. Yearout stated that if the Board chooses to approve the request, staff has recommended it be subject to the conditions approved by the Board for previous day care permits.

Mr. Yearout stated that due to the numerous requests of this type, the Board may wish to consider amending the Zoning Regulations to remove Family Day Care Homes and make Day Care Homes allowed by right in the residential districts. He indicated this could be discussed at the end of the meeting.

There being no questions of staff, Chairman Steinfert opened the hearing for public comment.

Kimberlee Stewart, 1409 West 14<sup>th</sup> Street, stated she wished to expand her business to the maximum allowed by her KDHE license and would be glad to answer any questions the Board members may have.

Commissioner Gustafson asked if her property was the one with the sign on the fence. Ms. Stewart indicated that it was. Ms. Stewart stated she had no problem with removing it, if that is one of the conditions of the Permit. In response to additional questions, Ms. Stewart indicated she was caring for four children plus her two. She has had several calls and friends who have asked her to care for their children. The children range in age from 6 months to 4 years old. She received her KDHE license in September of 2011. The home does have a basement but the day care is limited to the main level.

Commissioner Ryan asked if the play equipment in the front yard could be moved to the back yard. Ms. Stewart indicated it could, but the back yard is rather small because of the lot configuration. However, the play equipment in the front yard can be removed at the end of the day.

Reggie Stewart, 1409 West 14<sup>th</sup> Street, stated the only concern he had was the condition that no play equipment could be in the front yard. Because of the odd shape of the back yard, some of the play equipment is located in the front yard. He did explain that none of it is on any permanent foundation and can be removed at the end of the day.

There being no other public comments, Chairman Steinfert closed the public hearing.

Commissioner Watson moved that Case No. BZACU-04-01-12, the request of Kimberlee Steward, owner, requesting a Conditional Use Permit to operate a Day Care Home in the "RG" General Residential District at 1409 West 14<sup>th</sup> Street, Junction City, Kansas, be approved based on the findings at this public hearing and subject to the conditions outlined in the staff report. Commissioner Dibben seconded the motion and it carried unanimously.

## **ADJOURN AS BOARD OF ZONING APPEALS AND RECONVENE AS METROPOLITAN PLANNING COMMISSION**

Commissioner Ryan moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Moyer seconded the motion and it carried unanimously.

### **7. GENERAL DISCUSSION**

Mr. Yearout informed the Commission that the County is going through the five year review of the Solid Waste Master Plan. The main point was to confirm Geary County does not operate a landfill. The population data was updated to accommodate the growth over the past few years. He stated he will write the required letter stating that the Solid Waste Master Plan is consistent with the over all Comprehensive Plan.

Mr. Yearout asked whether there was interest in changing the requirements for Family Day Care Homes in light of the changes made by the State. In 2010, KDHE amended the day care licensing requirements by dropping the Registered Family Day Care Home category and required all providers to be licensed for a Day Care Home. At that time the City opted to maintain the Family Day Care Home category allowed by right in residential districts and require a Conditional Use Permit for everything else. Within the past year, eight Conditional Use cases have been filed with the Board of Zoning Appeals and there are two scheduled for the May meeting. Given the current licensing standards of the State, it is a good assumption the trend to request a Day Care Home will not change. Historically, the Board has allowed the increase from 6 to 10 with three main conditions attached to the Conditional Use Permit. If the Commission chooses to amend the Zoning Regulations by eliminating the Family Day Care Home and allow Day Care Homes by right, a motion to set a public hearing must be made. The regulations can establish performance standards similar to what has become the norm for Conditional Use Permits.

Commissioners discussed the advisability of amending the regulations by eliminating the Family Day Care Home category and allowing the Day Care Home by right subject to meeting performance standards regarding signage, location of permanent playground equipment and the hours of operation.

Commissioner Moyer moved to set a public hearing to consider a text amendment to the City and County Zoning Regulations and direct staff to draft the necessary changes to all appropriate sections with the intent to eliminate the Family Day Care Home category and allow Day Care Homes with performance standards by right at the next meeting. Commissioner Watson seconded the motion and it carried unanimously.

Mr. Yearout questioned whether the Commission wanted to initiate a rezoning for residential properties within the area of Eisenhower and 8<sup>th</sup> Street. He pointed out this would be consistent with the rezoning action taken along 7<sup>th</sup> Street earlier this year. If so, a public hearing date needs to be set.

Commissioner Gustafson moved to set a public hearing to consider rezoning the residential properties in the vicinity of Eisenhower and 8<sup>th</sup> Street from commercial to a residential designation and direct staff to determine the affected properties and publish the required notice of public hearing for the next meeting. Commissioner Moyer seconded the motion and it carried unanimously.

**8. ADJOURNMENT**

There being no further business, Commissioner Gustafson moved to adjourn. Commissioner Moyer seconded the motion and it carried unanimously. Chairman Steinfort declared the meeting adjourned at 8:12 p.m.

**PASSED AND APPROVED** this \_\_\_\_\_ day of May, 2012.

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**Mike Steinfort, Chairman**

**ATTEST:**

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**David L. Yearout, Secretary**





**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

April 6, 2012

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, CFM, Director of Planning and Zoning

**SUBJECT:** Z-04-01-12 – Request to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District the property located at 701 Allen Drive, Junction City, Kansas

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This is the request of John York, agent, on behalf of Sally Jardine, owner, to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District the property located at 701 Allen Drive, Junction City, Kansas. This is the former house that was converted to a barber shop a number of years ago. The barber shop has not operated for some time and the owner wishes to use the property for residential purposes again.

The property is the most southeastern lot in the cluster of homes that exist south of 8<sup>th</sup> Street and just to the east of Eisenhower Street. The lot also abuts the northern end of the shopping center that faces 6<sup>th</sup> Street and is locally known as the “old Wards store.”

The cluster of homes discussed above is another area of the City that the properties were given a commercial zoning classification a number of years ago, even though the properties have been used residentially since the homes were first construction many decades ago. This is another area that may be ripe for rezoning the entire area back to a residential classification for the same reasons the City rezoned the properties along 7<sup>th</sup> Street earlier this year.

Given the continuing demand for housing within the community, the conversion of this building back to its original residential use is appropriate. It is doubtful the area will continue to redevelop into a commercial area because all of the other uses to the north and west are residential on small lots in separate ownerships.

Given the nature of the neighborhood to the north and west, and the fact that the property as it exists is not a good commercial site, staff believes the rezoning to the “RM” Multiple Family Residential district is appropriate. This district is recommended because it provides the smallest minimum lot size for a single-family use; the lot size in this instance precludes a redevelopment to a more dense residential use; and it makes the most sense for the neighborhood as the City considers more rezonings to remove the nonconforming status from many existing homes.

**Staff Recommendation:** Staff recommends this request to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District the property located at 701 Allen Drive, Junction City, Kansas, be recommended for approval for the reasons stated above.

**Suggested Motion:**

I move that Case No. Z-04-01-12, concerning the request of John York, agent, on behalf of Sally Jardine, owner, to rezone from “CSP” Special Commercial District to “RM” Multiple Family Residential District the property located at 701 Allen Drive, Junction City, Kansas, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.

**ORDINANCE NO. S-3107**

**AN ORDINANCE RELATING TO REZONING CERTAIN PROPERTY FROM THE SPECIAL COMMERCIAL DISTRICT (CSP) TO THE MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.**

**WHEREAS, application has been made by the John York, agent, on behalf of Sally Jardine, owner, to rezone certain property within the City of Junction City, Kansas; and,**

**WHEREAS, proper notice has been given by publication of legal notice and by mailed notice to surrounding property owner in conformance with K.S.A. 12-757; and,**

**WHEREAS, the Junction City/Geary County Metropolitan Planning Commission held a public hearing on the application on April 12, 2012, and, by a majority vote of members present, recommended the property in question be rezoned;**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:**

**Section 1. That the property located at 701 Allen Street within the City of Junction City, Geary County, Kansas, and described as follows:**

**DESCRIPTION:**

All of Lot 1 of the Fay Allen Plat to the City of Junction City, Kansas.

**be, and the same is, hereby ordered rezoned from its present classification of Special Commercial District (CSP) to Multiple Family Residential District (RM) as provided in K.S.A. 12-757.**

**Section 2. The Zoning Administrator of the City of Junction City, Kansas is hereby ordered and directed to cause said designation to be made on the Official Zoning Map of said City in his custody and to show the property herein described to be zoned as Multiple Family Residential (RM).**

**Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.**

**PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

\_\_\_\_\_  
**PAT LANDES, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**TYLER FICKEN, CITY CLERK**

**Backup material for agenda item:**

- d. Consideration and Discussion of the Public Works Operations Assumption Budget Summaries. Greg McCaffery presenting.

# **City of Junction City**

## **City Commission**

### **Agenda Memo**

May 15, 2012

**From:** Gregory S. McCaffery, Municipal Services Director  
**To:** City Commission and Gerry Vernon, City Manager  
**Subject:** **City Assumption of Public Works Operations – Financial Summary**

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**Objective:** Update and provide budgetary information to the City Commission concerning the assumption of the Public Works Operations.

**Explanation of Issue:** In the 2012 budget, the City budgeted for the re-assumption of certain public works operations from Veolia Water beginning July 1, 2012. The City will assume the following public works operations: Streets, Traffic, Water Distribution, Wastewater Collection, Fleet Maintenance, Building Maintenance, and Sanitation. Veolia Water will continue to provide operations of the City owned Water Treatment, SW and East Wastewater Treatment Plants.

The reasoning for the take over of these operations was: **1.) Obtain command and control of public works budgets; 2.) Improve quality of service; and 3.) Improve operational efficiencies.**

Management discovered during our recovery that contractual obligations inhibited the implementation of budget reduction strategies for public works. While Veolia participated in the recovery, it would have been at a more involved level had it been a true city department. Additionally, the automatic contractual increase eliminates the control of annual costs. Secondly, as discovered during last year's community round tables, seventy-three percent of the participants were dissatisfied with the service received from Veolia. That statistic only reinforces the need for the City to re-assume operations. For the last item, the city is moving forward with the implementation of technology to improve operational efficiencies to further reduce costs. Very little innovation and technology has been implemented during Veolia operations. Additionally, efficiencies will be gained for the City from the sharing of equipment, personnel, and resources from the various departments that will now include public works.

Since August of 2011, staff has studied, researched, inventoried equipment and reorganized operations to ensure the success of the project and a seamless transition to city operation. Along with the Municipal Services Director, the City Manager and Finance Director have reviewed and developed conservative operational budgets that provide adequate resources to fund public works services at the appropriate level.

In summary, it is anticipated for the City to realize budget reductions of \$507,000 in year 2013 and upwards of \$668,000 by 2017. Staff would recommend that most of these reductions be reinvested in capital facilities such as street maintenance to help offset our severe capital deficiencies.

It is anticipated that at the June 5, 2012 the City Commission will consider the amended contract for services. The transition date for the city assumption of public works is set for June 23, 2012.

**Enclosures:** City of Junction City, Public Works Assumption Budget Summary

**City of Junction City  
Public Works Assumption  
Budget Summary**

	MAJOR OPERATIONAL AREA	DESCRIPTION	2013	2014	2015	2016	2017
<b>TREATMENT</b>							
	Water Plant Fund (WTP Operations & Maintenance)	Contractual Services	\$ 1,143,692	\$ 1,167,710	\$ 1,192,231	\$ 1,217,268	\$ 1,242,831
	Wastewater Treatment Fund (SW WWTP & East WWTP Operations & Maintenance)	Contractual Services	\$ 1,776,452	\$ 1,813,757	\$ 1,851,856	\$ 1,890,735	\$ 1,930,441
<b>PUBLIC WORKS</b>							
	Water Distribution Fund (Water Mains, Water Towers, Bruce Street Pump Station)	City of Junction City Department of Public Works	\$ 479,386	\$ 488,305	\$ 479,404	\$ 506,683	\$ 482,750
		Increase (Decrease)	\$ 41,055	\$ 40,769	\$ 49,868	\$ 49,749	\$ 16,221
	Wastewater Collection Fund (Sanitary Sewers, Lift Stations)	City of Junction City Department of Public Works	\$ 467,834	\$ 476,497	\$ 485,333	\$ 494,346	\$ 482,750
		Increase (Decrease)	\$ 20,510	\$ 19,780	\$ 19,025	\$ 18,245	\$ (17,261)
	Street Fund (Streets Maint. & Traffic)	City of Junction City Department of Public Works	\$ 1,609,488	\$ 1,641,378	\$ 1,674,040	\$ 1,707,498	\$ 1,591,774
		Increase (Decrease)	\$ (303,011)	\$ (314,487)	\$ (325,297)	\$ (336,354)	\$ (417,253)
	Building Maintenance Fund (Maintenance of Interior & Exterior of Municipal Buildings)	City of Junction City Department of Public Works	\$ 188,550	\$ 192,311	\$ 196,147	\$ 200,060	\$ 203,552
		Increase (Decrease)	\$ 134,672	\$ 137,355	\$ 140,093	\$ 142,884	\$ 145,233
	Storm Water Fund (Maintenance of Storm Water System and City MS4 & Phase II Permits)	City of Junction City Department of Public Works	\$ 140,134	\$ 121,188	\$ 132,612	\$ 144,264	\$ 156,150
		Increase (Decrease)	\$ (17,989)	\$ (49,173)	\$ (50,234)	\$ (51,318)	\$ (52,423)
<b>SANITATION</b>							
	Sanitation Fund (Solid Waste Collection)	City of Junction City Department of Public Works	\$ 1,257,677	\$ 1,289,461	\$ 1,341,679	\$ 1,364,343	\$ 1,387,460
		Increase (Decrease)	\$ (250,773)	\$ (249,159)	\$ (227,713)	\$ (236,436)	\$ (245,335)
<b>PUBLIC WORKS ASSUMPTION SUMMARY OF COST AND BUDGET REDUCTIONS</b>							
	TOTAL OPERATIONAL COSTS	Veolia Water	\$ 2,920,144	\$ 2,981,467	\$ 3,044,087	\$ 3,108,003	\$ 3,173,272
		City of Junction City DPW	\$ 2,885,392	\$ 2,919,679	\$ 2,967,536	\$ 3,052,851	\$ 2,916,976
	TOTAL COST REDUCTIONS	Public Works	\$ (106,606)	\$ (116,415)	\$ (116,143)	\$ (125,308)	\$ (272,892)
		Sanitation	\$ (250,773)	\$ (249,159)	\$ (227,713)	\$ (236,436)	\$ (245,335)
		Un-Budgeted Contractual Overages	\$ (150,000)	\$ (150,000)	\$ (150,000)	\$ (150,000)	\$ (150,000)
		TOTAL	\$ (507,379)	\$ (515,574)	\$ (493,856)	\$ (511,744)	\$ (668,227)

			2013	2014	2015	2016	2017
<b>PUBLIC WORKS</b>							
<b>Water Distribution Fund (WMs, Water Towers, Bruce Street Pump Station)</b>							
	Veolia Water	Personnel	\$ -	\$ -	\$ -	\$ -	\$ -
	(Cost of Veolia Operations)	Commodities	\$ -	\$ -	\$ -	\$ -	\$ -
		Contractual Services	\$ 438,331	\$ 447,536	\$ 447,536	\$ 456,934	\$ 466,529
		Capital	\$ -	\$ -	\$ -	\$ -	\$ -
		<b>TOTAL</b>	<b>\$ 438,331</b>	<b>\$ 447,536</b>	<b>\$ 447,536</b>	<b>\$ 456,934</b>	<b>\$ 466,529</b>
	City of Junction City	Personnel	\$ 259,586	\$ 264,777	\$ 270,073	\$ 275,474	\$ 280,984
	Department of Public Works	Commodities	\$ 101,800	\$ 103,836	\$ 105,913	\$ 108,031	\$ 110,192
	(Costs of City Operations)	Contractual Services	\$ 84,600	\$ 86,292	\$ 88,018	\$ 89,778	\$ 91,574
		Capital	\$ 33,400	\$ 33,400	\$ 33,400	\$ 33,400	
		<b>TOTAL</b>	<b>\$ 479,386</b>	<b>\$ 488,305</b>	<b>\$ 497,404</b>	<b>\$ 506,683</b>	<b>\$ 482,750</b>
	<b>Change on Costs</b>	<b>Increase (Decrease)</b>	<b>\$ 41,055</b>	<b>\$ 40,769</b>	<b>\$ 49,868</b>	<b>\$ 49,749</b>	<b>\$ 16,221</b>
<b>Wastewater Collection Fund (Sanitary Sewers, Lift Stations)</b>							
	Veolia Water	Personnel	\$ -	\$ -	\$ -	\$ -	\$ -
	(Cost of Veolia Operations)	Commodities	\$ -	\$ -	\$ -	\$ -	\$ -
		Contractual Services	\$ 447,324	\$ 456,717	\$ 466,308	\$ 476,101	\$ 486,099
		Capital	\$ -	\$ -	\$ -	\$ -	\$ -
		<b>TOTAL</b>	<b>\$ 447,324</b>	<b>\$ 456,717</b>	<b>\$ 466,308</b>	<b>\$ 476,101</b>	<b>\$ 486,099</b>
	City of Junction City	Personnel	\$ 251,334	\$ 256,361	\$ 261,488	\$ 266,718	\$ 272,052
	Department of Public Works	Commodities	\$ 94,300	\$ 96,186	\$ 98,110	\$ 100,072	\$ 102,073
	(Costs of City Operations)	Contractual Services	\$ 87,500	\$ 89,250	\$ 91,035	\$ 92,856	\$ 94,713
		Capital	\$ 34,700	\$ 34,700	\$ 34,700	\$ 34,700	\$ -
		<b>TOTAL</b>	<b>\$ 467,834</b>	<b>\$ 476,497</b>	<b>\$ 485,333</b>	<b>\$ 494,346</b>	<b>\$ 468,838</b>
	<b>Change on Costs</b>	<b>Increase (Decrease)</b>	<b>\$ 20,510</b>	<b>\$ 19,780</b>	<b>\$ 19,025</b>	<b>\$ 18,245</b>	<b>\$ (17,261)</b>
<b>Street Fund (Streets Maint., Traffic, Bldg. Maint. &amp; Storm Sewers)</b>							
	Veolia Water	Personnel	\$ 26,465	\$ 26,994	\$ 27,534	\$ 28,085	\$ 28,647
	(Cost of Veolia Operations)	Commodities	\$ -	\$ -	\$ -	\$ -	\$ -
		Contr. Services (Veolia)	\$ 1,489,013	\$ 1,520,272	\$ 1,552,197	\$ 1,584,793	\$ 1,537,660
		Contr. Services (City)	\$ 397,021	\$ 408,599	\$ 419,606	\$ 430,974	\$ 442,720
		Capital	\$ -	\$ -	\$ -	\$ -	\$ -
		<b>TOTAL</b>	<b>\$ 1,912,499</b>	<b>\$ 1,955,865</b>	<b>\$ 1,999,337</b>	<b>\$ 2,043,852</b>	<b>\$ 2,009,027</b>
	City of Junction City	Personnel	\$ 505,488	\$ 515,598	\$ 525,910	\$ 536,428	\$ 547,157
	Department of Public Works	Commodities	\$ 318,300	\$ 324,666	\$ 331,159	\$ 337,783	\$ 344,538
	(Costs of City Operations)	Contractual Services	\$ 635,700	\$ 651,114	\$ 666,971	\$ 683,287	\$ 700,079
		Capital	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ -
		<b>TOTAL</b>	<b>\$ 1,609,488</b>	<b>\$ 1,641,378</b>	<b>\$ 1,674,040</b>	<b>\$ 1,707,498</b>	<b>\$ 1,591,774</b>
	<b>Change on Costs</b>	<b>Increase (Decrease)</b>	<b>\$ - 160 - )</b>	<b>\$ (314,487)</b>	<b>\$ (325,297)</b>	<b>\$ (336,354)</b>	<b>\$ (417,253)</b>



			2013	2014	2015	2016	2017
<b>PUBLIC WORKS (Cont.)</b>							
<b>Building Maintenance Fund (Maintenance of Interior &amp; Exterior of Municipal Buildings)</b>							
	(Cost of Veolia Operations)	Personnel	18178	18542	18912	19291	19676
		Commodities	7140	7283	7428	7577	7729
		Contractual Services	28560	29131	29714	30308	30914
		Capital					
		<b>TOTAL</b>	<b>\$ 53,878</b>	<b>\$ 54,956</b>	<b>\$ 56,054</b>	<b>\$ 57,176</b>	<b>\$ 58,319</b>
	City of Junction City	Personnel	\$ 110,836	\$ 113,053	\$ 115,314	\$ 117,620	\$ 119,973
	Department of Public Works	Commodities	\$ 45,594	\$ 46,506	\$ 47,436	\$ 48,385	\$ 49,352
	(Costs of City Operations)	Contractual Services	\$ 31,620	\$ 32,252	\$ 32,897	\$ 33,555	\$ 34,227
		Capital	\$ 500	\$ 500	\$ 500	\$ 500	
		<b>TOTAL</b>	<b>\$ 188,550</b>	<b>\$ 192,311</b>	<b>\$ 196,147</b>	<b>\$ 200,060</b>	<b>\$ 203,552</b>
	<b>Change on Costs</b>	<b>Increase (Decrease)</b>	<b>\$ 134,672</b>	<b>\$ 137,355</b>	<b>\$ 140,093</b>	<b>\$ 142,884</b>	<b>\$ 145,233</b>
<b>Storm Water Fund (Maintenance of Storm Water System and City MS4 &amp; Phase II Permits)</b>							
	Veolia Water	Personnel	\$ 51,069	\$ 61,090	\$ 71,312	\$ 81,739	\$ 92,373
	(Cost of Veolia Operations)	Commodities	\$ 31,500	\$ 32,130	\$ 32,773	\$ 33,428	\$ 34,097
		Contractual Services	\$ 75,554	\$ 77,141	\$ 78,761	\$ 80,415	\$ 82,103
		Capital					
		<b>TOTAL</b>	<b>\$ 158,123</b>	<b>\$ 170,361</b>	<b>\$ 182,846</b>	<b>\$ 195,582</b>	<b>\$ 208,573</b>
	City of Junction City	Personnel	\$ 61,234	\$ 71,458	\$ 81,887	\$ 92,525	\$ 103,376
	Department of Public Works	Commodities	\$ 31,500	\$ 32,130	\$ 32,773	\$ 33,428	\$ 34,097
	(Costs of City Operations)	Contractual Services	\$ 47,400	\$ 17,600	\$ 17,952	\$ 18,311	\$ 18,677
		Capital					
		<b>TOTAL</b>	<b>\$ 140,134</b>	<b>\$ 121,188</b>	<b>\$ 132,612</b>	<b>\$ 144,264</b>	<b>\$ 156,150</b>
	<b>Change on Costs</b>	<b>Increase (Decrease)</b>	<b>\$ (17,989)</b>	<b>\$ (49,173)</b>	<b>\$ (50,234)</b>	<b>\$ (51,318)</b>	<b>\$ (52,423)</b>
	Net Summary Change In Costs Public Works Increase (Decrease)		\$ (186,328)	\$ (226,305)	\$ (235,438)	\$ (244,788)	\$ (324,443)
<b>SANITATION</b>							
<b>Sanitation Fund (Solid Waste Collection)</b>							
	Veolia Water	Personnel	\$ 76,380	\$ 77,908	\$ 79,466	\$ 81,055	\$ 82,676
	(Cost of Veolia Operations)	Commodities	\$ 14,280	\$ 14,566	\$ 14,857	\$ 15,154	\$ 15,457
		Contractual Services (Veolia)	\$ 1,405,549	\$ 1,433,660	\$ 1,462,334	\$ 1,491,580	\$ 1,521,412
		Contractual Services (City)	\$ 12,241	\$ 12,486	\$ 12,735	\$ 12,990	\$ 13,250
		Capital					
		<b>TOTAL</b>	<b>\$ 1,508,450</b>	<b>\$ 1,538,620</b>	<b>\$ 1,569,392</b>	<b>\$ 1,600,779</b>	<b>\$ 1,632,795</b>
	City of Junction City	Personnel	\$ 423,052	\$ 431,513	\$ 440,143	\$ 448,946	\$ 457,925
	Department of Public Works	Commodities	\$ 110,100	\$ 122,302	\$ 114,548	\$ 116,839	\$ 119,176
	(Costs of City Operations)	Contractual Services	\$ 556,025	\$ 567,146	\$ 578,488	\$ 590,058	\$ 601,859
		Capital	\$ 168,500	\$ 168,500	\$ 208,500	\$ 208,500	\$ 208,500
		<b>TOTAL</b>	<b>\$ 1,257,677</b>	<b>\$ 1,289,461</b>	<b>\$ 1,341,679</b>	<b>\$ 1,364,343</b>	<b>\$ 1,387,460</b>
	<b>Change on Costs</b>	<b>Increase (Decrease)</b>	<b>\$ (250,773)</b>	<b>\$ (249,159)</b>	<b>\$ (227,713)</b>	<b>\$ (236,436)</b>	<b>\$ (245,335)</b>